THE FINANCIAL SERVICES COMMISSION OF ONTARIO

PENSION BULLETIN

MAY 2006 – VOLUME 15, ISSUE 2

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Ontario

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The Financial Services Commission of Ontario Act, 1997, S.O. 1997, c. 28 as amended, the Pension Benefits Act, R.S.O. 1990, c. P.8 as amended, R.R.O. 1990, Reg. 909 as amended, the terms of the pension plan and trust, if any, and the policies, procedures and practices of FSCO should be considered in determining specific legal requirements, and professional advice should be sought.

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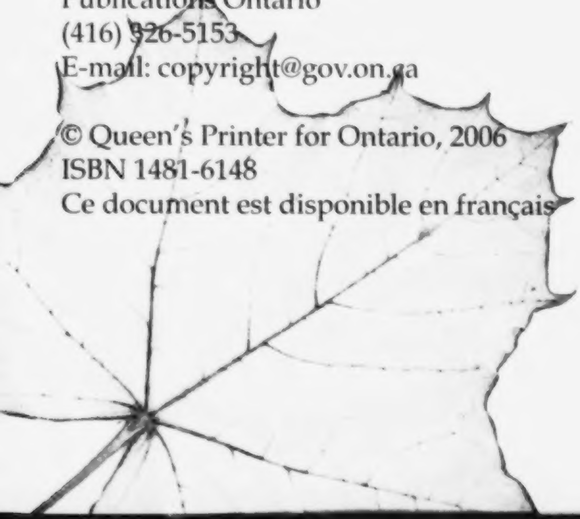
ISBN 1481-6148
Ce document est disponible en français



GENERAL ANNOUNCEMENTS

Financial Services
Commission of Ontario
PENSION e-BULLETIN
www.fsco.gov.on.ca

The Pension Bulletin goes online

Say goodbye to bulky bulletins! With the launch of FSCO's new electronic Pension Bulletin, this is the last paper Pension Bulletin you'll receive.

The online Pension Bulletin delivers all the pension information you've come to expect in an easy to navigate, electronic format. Enter queries into the powerful search engine and create customized results to find the pension information you need quickly.

See for yourself by visiting the Pensions area of FSCO's website at www.fsco.gov.on.ca. There you'll find all the material contained in the print version of the May 2006 Pension Bulletin online.

The switch to online publication of the Pension Bulletin is in keeping with FSCO's commitment to being a forward-looking regulatory agency that delivers quality service.

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Subscribe now to the Pension e-Bulletin electronic newsletter. Sent to subscribers three times a year, the newsletter lists recent updates to the online Pension Bulletin, acting as an electronic reminder to ensure you don't miss a thing. Visit FSCO's website at www.fsco.gov.on.ca and click the "Pension e-Bulletin" button on the Pensions homepage to sign-up (a valid email address is required).

Update - Vendor of Record Arrangement, Administrator Appointments for Defined Benefit Plans of Insolvent Employers

Pursuant to the announcement in the January 2005 Pension Bulletin (see Volume 14, Issue 1, page 4), FSCO established a new Vendor of Record arrangement for appointing administrators for defined benefit pension plans of insolvent employers. Through the Government of Ontario's Request for Proposals (RFP) process, an invitation for proposals was issued April 1, 2005 through MERX™ to establish the arrangement under which "the services of qualified firms (vendors) who are able to act as administrators of pension plans are available to the Superintendent, at the option of the Superintendent, and on short notice."

After meeting the mandatory requirements and achieving a pre-determined valuation threshold with respect to specific, rated criteria, the following three firms were selected as Vendors of Record, effective August 12, 2005. The Superintendent's agreements with the selected Vendors of Record will expire after four years, at which time the RFP invitational process will be repeated. The Superintendent of Financial Services has the option of extending the agreements by one year, however, and also reserves the right to make specific plan appointments outside of the Vendor of Record arrangement where necessary.

The selected Vendors of Record are:

Mercer Human Resource Consulting
Morneau Sobeco Partnership Limited
PricewaterhouseCoopers Inc.

COURT/PROSECUTION MATTERS

The information set out below is current to May 26, 2006.

Court Matters

I. Kerry (Canada) Inc.

The FST conducted a hearing that arose from a Notice of Proposal in which the Superintendent proposed to order Kerry (Canada) Inc. to reimburse certain expenses paid from the pension fund and to amend its Pension Plan so that only expenses for the exclusive benefit of the members could be paid from the fund.

The FST released its decision on March 4, 2004. The FST held that certain expenses were to be reimbursed to the fund, while certain other expenses did not have to be reimbursed as they were incurred for the exclusive benefit of the members. The FST also held that there was no jurisdiction under the *Pension Benefits Act*, R.S.O. 1990, c. P.8 *(PBA)* for the Superintendent to order a plan amended.

A group of former members comprising the DCA Employees Pension Committee for the Pension Plan for the Employees of Kerry (Canada) Inc. appealed the FST's decision to the Divisional Court.

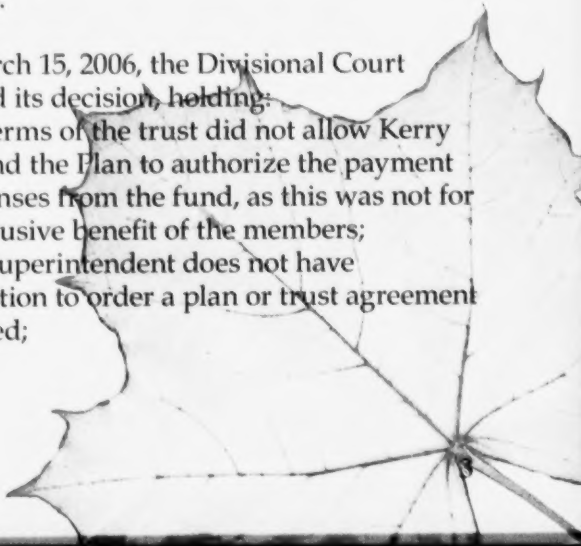
In a separate decision on the refusal issue, the panel held that contribution holidays were permitted and authorized by the trust, and that there were no grounds for a partial windup or for an order compelling the Superintendent to monitor the plan. The panel held that the conversion breached the trust insofar as the revised plan text allowed surplus from the defined benefit portion of the plan to be used to fund liabilities for the defined contribution portion, as this diverted funds to the insurance contract with Standard Life. The panel directed the employer to either amend the plan text or transfer the defined contribution funds to the trustee; if this is not done within 90 days, the Superintendent is to refuse registration of the revised plan text.

Finally, the panel issued a separate decision concerning the members' committee's request that the legal costs incurred by the committee be paid out of the fund for the Plan. The majority of the panel determined that the FST did not have the jurisdiction to make such an order and also rejected the committee's request that costs be awarded against the employer.

In a separate Notice of Appeal, the members' committee has also appealed the panel's decision on the refusal and costs issues to the Divisional Court.

The appeal on the expenses issue was heard by the Divisional Court on March 31, 2005 and April 1, 2005. The appeal on the refusal and costs issues was heard on April 18 and 19, 2005. The panel reserved its decision on both appeals.

On March 15, 2006, the Divisional Court released its decision, holding:
a) the terms of the trust did not allow Kerry to amend the Plan to authorize the payment of expenses from the fund, as this was not for the exclusive benefit of the members;
b) the Superintendent does not have jurisdiction to order a plan or trust agreement amended;



c) the contribution holidays were authorized by the terms of the Plan;
d) the restated 2000 Plan text which implemented the conversion was a partial revocation of trust, in that it allowed the employer to take contribution holidays from the defined benefit component of the Plan (which was a trust fund) to fund its obligations for the defined contribution component of the Plan (which was funded through an insurance company); this was cross-subsidization; Kerry would have to go back to the drawing board to draft the new Plan;
e) the notice provided to the members of the conversion was defective, and would have to be redone once the new Plan was drafted;
f) there is no jurisdiction under the *Financial Services Commission of Ontario Act* to order costs paid from a pension fund;
g) the standard of review that applies to the Financial Services Tribunal on questions of law, which include the interpretation of plan and trust documents, is the standard of correctness.
Kerry has filed a motion for leave to appeal this decision to the Court of Appeal.

II. Participating Co-Operatives of Ontario Trustee Pension Plan

The board of trustees of the Participating Co-Operatives of Ontario Trustee Pension Plan filed an application before the Divisional Court under Rule 14 of the *Rules of Civil Procedure*, *the Pension Benefits Act* and the Trustees Act for the appointment of replacement trustees or an administrator and a declaration discharging the current Trustees. The application was initially scheduled to be heard on February 3, 2005 but was rescheduled to February 8, 2005 at which time the hearing was adjourned pending a settlement conference.

III. Vivendi Universal Inc.

Vivendi Universal Inc. filed an application with the Ontario Superior Court of Justice for a declaration that the Québec *Supplementary Pension Plans Act* does not compel Vivendi to transfer surplus on behalf of Québec members on an asset transfer to Diageo Canada Inc. The application also asked for a declaration that the *PBA* applied to the transfer.

The Régie des Rentes du Québec brought a motion to have Vivendi's application dismissed on jurisdictional grounds. The motion was heard by the Ontario Superior Court on March 2, 2005. The court reserved its decision. On April 5, 2005, the Court released its decision, dismissing the motion without prejudice to the Régie to raise the issue of mootness on the main application. On May 10, 2005, the Régie's appeal of this decision was heard and dismissed.

The application was heard on the merits on October 27 and 28, 2005.

In April 2006, Vivendi and Diageo advised that they had settled the issue of surplus to be transferred to Quebec. Vivendi therefore withdrew its application to the Court before any decision was released.

IV. Rockwell Automation Canada Inc.

On February 20, 2006, the FST issued a decision affirming the Superintendent's March 1999 consent to an asset transfer from the Pension Plan for the Salaried and Management Employees of Reliance

Electric Ltd. (the "Reliance Plan") to the Revised Retirement Plan for the Employees of the Allen-Bradley Division of Rockwell International of Canada (now the Pension Plan for Employees of Rockwell Automation Canada Inc.). The FST held that it was not a breach to merge the two plans and that the terms of the Reliance Plan expressly permitted a merger. A Notice of Appeal has been filed with the Divisional Court with respect to this decision by Michael Lennon, on behalf of the members of the Reliance Plan.

PROSECUTION MATTERS

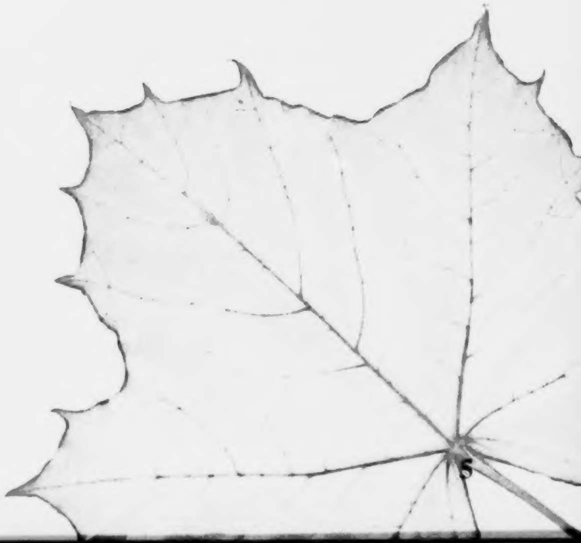
V. AON Consulting Inc. and J. Melvin Norton

Charges were laid on April 11, 2005 for failing to comply with accepted actuarial practice and failing to comply with section 22 of the *PBA*. The charges relate to the preparation and filing of two actuarial reports for the Slater Stainless Corp. CAW and USWA pension plans. The charges are currently being pre-tried and a trial date will be set soon. The first appearance was on May 18, 2005. A pre-trial conference was initially convened on June 22, 2005 and continued on August 22, 2005 and September 26, 2005. The pre-trial conference resumption and next appearance took place on November 7, 2005. Trial dates were set for May 12 and June 23, 2006.

On May 12, 2006, the Court heard a motion to quash the charges brought by AON. Mr. Norton joined in the motion with respect to some of the charges. The Court indicated that it would require some time to decide the motion, and advised that the previously scheduled second trial date of June 23 could likely not take place. The parties scheduled June 7 as a date to return to court to speak to the status of the matter.

II. Jerrett Funeral Homes Service Corporation International (Canada) Limited

Charges were laid against the Jerrett Funeral Services Corporation International (Canada) Limited ('Employer')and its corporate officer for failing to remit employer and employee contributions. The first appearance was on March 22, 2006. The charges were withdrawn on April 5, 2006 because the Employer provided evidence that it had sent payment for the arrears prior to the laying of charges but the payment was not processed by the fund custodian due to administrative inadvertence.



SUPERINTENDENT OF FINANCIAL SERVICES

Administrator Appointments – Section 71 of the *Pension Benefits Act*

1. Manulife Financial as the Administrator of the Retirement Plan of Repla Limited and Akna Industries Ltd., effective immediately.

   DATED at Toronto, Ontario, this 18th day of November, 2005.

2. London Life Insurance Company as the Administrator of the Pension Plan for Employees Tiger Brand Knitting Company Ltd., effective immediately.

   DATED at Toronto, Ontario, this 28th day of December, 2005.

3. Morneau Sobeco Limited Partnership as the Administrator of the Pension Plan for General Chemical Salaried Employees , effective immediately.

   DATED at Toronto, Ontario, this 8th day of December, 2005..

4. Morneau Sobeco Limited Partnership as the Administrator of the Pension Plan for General Chemical Bargaining Unit Employees, effective immediately.

   DATED at Toronto, Ontario, this 8th day of December, 2005..

5. Morneau Sobeco Limited Partnership as the Administrator of the MEC Retirement Plan For Salaried Employees, effective immediately.

   DATED at Toronto, Ontario, this 22nd day of December, 2005.

6. Morneau Sobeco Limited Partnership as the Administrator of the MEC Bargaining Unit Pension Plan for Members of United Steelworkers of America, effective immediately.

   DATED at Toronto, Ontario, this 22nd day of December, 2005..

7. Sun Life Financial as the Administrator of the Pension Plan for Employees of Siematic (Canada) Limited Partnership and Participating Affiliates, effective immediately.

   DATED at Toronto, Ontario, this 23rd day of November, 2005.

8. Manulife Financial as the Administrator of the Pension Plan for Employees of Nadeau Et Fils 1354342 Ontario Inc., effective immediately.

   DATED at Toronto, Ontario, this 7th day of December, 2005.

9. Mercer Human Resource Consulting as the Administrator of the Pension Plan for Employees of Regal Greetings & Gifts Corporation, effective immediately.

   DATED at Toronto, Ontario, this 20th day of October, 2005.

10. London Life Insurance Company as the Administrator of the Pension Plan for Employees of Tandem Fabrics Inc., effective immediately.

    DATED at Toronto, Ontario, this 7th day of October, 2005.

11. PricewaterhouseCoopers Inc. as the Administrator of the Pension Plan for Salaried Employees of 0521728 Ontario Ltd., effective immediately.

    DATED at Toronto, Ontario, this 28th day of September, 2005.

12. Standard Life as the Administrator of the Pension Plan for Employees of Hastings Inc., effective immediately.

    DATED at Toronto, Ontario, this 3rd day of August, 2005.

13. Cowan Wright Beauchamp as the Administrator of the BMG North America Limited Retirement Income Plan for Non-Union Employees of, effective immediately.

    DATED at Toronto, Ontario, this 28th day of July, 2005.

14. Cowan Wright Beauchamp as the Administrator of the Pension Plan for Employees of Olympia Business Machines Canada Ltd., effective immediately.

    DATED at Toronto, Ontario, this 28th day of July, 2005.

15. The Standard Life as the Administrator of the Pension Plan for Employees of Daniel E. Oakes & Associates Ltd., effective immediately.

    DATED at Toronto, Ontario, this 6th day of July, 2005.

16. Great West London Life as the Administrator of the Pension Plan for Employees of A. Van Egmond Construction Ltd., effective immediately.

    DATED at Toronto, Ontario, this 6th day of July, 2005.

17. Morneau Sobeco Limited Partnership as the Administrator of the Pension Plan for Hourly Employees of Decor Products International, a Division of Kleco Corporation, effective immediately.

    DATED at Toronto, Ontario, this 30th day of June, 2005.

18. Great West London Life as the Administrator of the Pension Plan for Salaried Employees of Decor Products International, a Division of Kleco Corporation, effective immediately.

    DATED at Toronto, Ontario, this 27th day of June, 2005.

19. Mackenzie Financial Corporation as the Administrator of the Pension Plan for Employees of Community Christian Health Care Agency Hamilton Inc., effective immediately.

    DATED at Toronto, Ontario, this 16th day of June, 2005.

20. Great West Life Assurance Company as the Administrator of the Pension Plan for Employees of The Royal Connaught, a Division of Joymarmon Properties Inc., effective immediately.

DATED at Toronto, Ontario, this 10th day of June, 2005.

21. Manulife Financial as the Administrator of the Pension Plan for Employees of Central Chrysler (1981) Ltd., effective immediately.

    DATED at Toronto, Ontario, this 24th day of May, 2005.

22. Great West Life Assurance Company as the Administrator of the Pension Plan for Employees of International Controls Ltd., effective immediately.

    DATED at Toronto, Ontario, this 17th day of May, 2005.

23. Manulife Financial as the Administrator of the Pension Plan for Employees of Collins Commercial Photocopy Ltd., effective immediately.

    DATED at Toronto, Ontario, this 9th day of May, 2005.

24. Desjardins Financial Security Life Assurance Company as the Administrator of the Pension Plan for Employees of Toronto Victoria Financial Group Inc., effective immediately.

    DATED at Toronto, Ontario, this 9th day of May, 2005.

25. Thompson Actuarial Limited as the Administrator of the Pension Plan for Employees of Stearns Canada, a division of The Stearns Technical Textiles Company, effective immediately.

    DATED at Toronto, Ontario, this 6th day of May, 2005.

26. PricewaterhouseCoopers Inc. as the Administrator of the Pension Plan for designated Employees of Ivaco Inc., effective immediately.

    DATED at Toronto, Ontario, this 3rd day of May, 2005.

27. PricewaterhouseCoopers Inc. as the Administrator of the Pension Plan for Salaried Employees of Ivaco Inc., effective immediately.

    DATED at Toronto, Ontario, this 3rd day of May, 2005

28. London Life Insurance Company as the Administrator of the Pension Plan for Employees of Premium Pork Canada Inc., effective immediately.

    DATED at Toronto, Ontario, this 23rd day of March, 2005.

29. Manulife Financial as the Administrator of the Pension Plan for Employees of Baker, Gurney & McLaren Press Ltd., effective immediately.

    DATED at Toronto, Ontario, this 23rd day of March, 2005.

Notices of Proposal to Make an Order

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **The Retirement Plan for Salaried Employees of Specialty Chemicals - A Division of Honeywell ASCa Inc.** (the Plan), Registration Number **0338889.**

TO: Charlene Arje
Director Canadian Business Services
Honeywell ASCa Inc.
3333 Unity Drive
Mississauga ON L5L 3S6

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(4) of the *Act,* consenting to the payment, out of the **The Retirement Plan for Salaried Employees of Specialty Chemicals - A Division of Honeywell ASCa Inc., to Honeywell ASCa Inc.**, as at **September 23, 2001** in the amount of **$17,412.86** plus interest to the date of payment for the following reason and such further reasons that may come to my attention:

1. **Honeywell ASCa Inc.** is the employer as defined in the Plan.
2. As a result of **an Administrative oversight, the contributions were made directly from the company funds instead of the pension fund.**
3. Evidence of the Overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. There were no member submissions made about the repayment.
5. The application appears to comply with section 78(4) of the Act.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the *Act* if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the Tribunal a written notice that you require a hearing.

Your written notice requiring a hearing must be delivered to:
Financial Services Tribunal
14th Floor, 5160 Yonge Street
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 22 day of December, 2005.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE—PURSUANT to section 112 of the *Act* any notice, order or other document is sufficiently given, served, or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served, or delivered on the seventh day after mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **Hospitals of Ontario Pension Plan** (the Plan), Registration Number **346007**.

TO: Claire Woodcock
Hospitals of Ontario Pension Plan
1 Toronto Street, Suite 1400
Toronto, ON M5C 3B2
Senior Policy Advisor (Acting)

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(4) of the *Act*, consenting to the payment, out of the **Hospitals of Ontario Pension Plan**, to **Rainbow North Emergency Medical Services**, as at **December 31, 2003** in the amount of **$2,599.91** plus interest to the date of payment for the following reason and such further reasons that may come to my attention:

1. **Hospitals of Ontario Pension Plan** is the employer as defined in the Plan.
2. As a result of the **participating employer's termination from the pension plan, reconciliation of their account revealed an over-contribution.**
3. Evidence of the Overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. There were no member submissions made about the repayment.
5. The application appears to comply with section 78(4) of the *Act*.

In accordance with subsection 105.(1) of the *Act*, an extension of the time limit under subsection 78(4) has been given.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the *Act* if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the Tribunal a written notice that you require a hearing.

Your written notice requiring a hearing must be delivered to:

Financial Services Tribunal
14th Floor, 5160 Yonge Street
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 3rd day of January 2006.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE–PURSUANT to section 112 of the *Act* any notice, order or other document is sufficiently given, served, or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served, or delivered on the seventh day after mailing.

IN THE MATTER OF the *Pension Benefits Act,* R.S.O. 1990, c. P.8, as amended (the Act);

AND IN THE MATTER of a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **Hospitals of Ontario Pension Plan** (the Plan), Registration Number **346007**.

TO: Claire Woodcock
Hospitals of Ontario Pension Plan
1 Toronto Street, Suite 1400
Toronto, ON M5C 3B2

Senior Policy Advisor (Acting)

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(4) of the Act, consenting to the payment, out of the **Hospitals of Ontario Pension Plan**, to the **Schizophrenia Society of Ontario**, as at December 31, 2004 in the amount of **$4,929.72** plus interest to the date of payment for the following reason and such further reasons that may come to my attention:

1. **Hospitals of Ontario Pension Plan** is the employer as defined in the Plan.
2. As a result of **the participating employer's termination, a reconciliation of the plan revealed an over contribution.**
3. Evidence of the Overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. There were no member submissions made about the repayment.
5. The application appears to comply with section 78(4) of the *Act*.

In accordance with subsection 105.(1) of the Act, an extension of the time limit under subsection 78(4) has been given.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the *Act* if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the Tribunal a written notice that you require a hearing.

Your written notice requiring a hearing must be delivered to:

Financial Services Tribunal
14th Floor, 5160 Yonge Street
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 3rd day of January 2006.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE—PURSUANT to section 112 of the *Act* any notice, order or other document is sufficiently given, served, or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served, or delivered on the seventh day after mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **Pension Plan for the Employees Idlewyld Manor** (the Plan) , Registration Number **0957837**.

TO: Dave Drywood
Manager of Financial Services
Idlewyld Manor
449 Sanatorium Rd
Hamilton, ON L9C 2A7

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(4) of the *Act*, consenting to the payment, out of the **Pension Plan for the Employees Idlewyld Manor**, to **Idlewyld Manor**, as at **September 30, 2004** in the amount of **$6,822.20** plus interest to the date of payment for the following reason and such further reasons that may come to my attention:

1. **Idlewyld Manor** is the employer as defined in the Plan.
2. As a result of **an audit of 2004 pension contributions which revealed an overpayment for August and September of 2004.**
3. Evidence of the Overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. There were no member submissions made about the repayment.
5. The application appears to comply with section 78(4) of the *Act*.

In accordance with subsection 105.(1) of the *Act*, an extension of the time limit under subsection 78(4) has been given.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the *Act* if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the Tribunal a written notice that you require a hearing.

Your written notice requiring a hearing must be delivered to:

Financial Services Tribunal
14th Floor, 5160 Yonge Street
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 4th day of January, 2006

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE–PURSUANT to section 112 of the *Act* any notice, order or other document is sufficiently given, served, or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served, or delivered on the seventh day after mailing.

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Servifood Ltd. Pension Plan** (the Plan), Registration Number **684225**.

TO:
David R. Kearney
Principal
Morneau Sobeco
895 Don Mills Road, Suite 700
1 Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Real Morin
President
Servifood Ltd.
180 blvd. Rene Levesque Est
Suite 408
Montreal, Quebec H2X 1N6

Employer

AND TO:
Ronald P. Gagnon, LL.B.
Senior Manager, Financial Advisory
Samson Belair/Deloitte & Touche Inc.
1111 rue St.-Charles Ouest
Bureau 550 - Tour Est
Longueuil, Quebec J4K 5G4

Trustee in Bankruptcy

AND TO:
Charlie Renaud
Service Employees International Union (Local 204)
2180 Steeles Avenue W.,
Suite 200
Concord, ON L4K 2Z5

Union Representative

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up effective **April 16, 2004** for the following reasons and such further reasons that may come to my attention.

The wind up is to include the class of Plan members whose employment or Plan membership terminated during the period September 30, 1999 to April 16, 2004.

> **There was a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer failed to make contributions to the pension fund as required by this Act.**
>
> **The employer is bankrupt within the meaning of the Bankruptcy and Insolvency Act (Canada).**
>
> **A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.**

All or a significant portion of the business carried on by the employer at a specific location was discontinued.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 4th day of January, 2006.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE - Pursuant to section 112 of the Act any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *"Act"*) ;

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make an Order under section 69 of the *Act* respecting the **Pension Plan for Employees of Loba Limited, Registration Number 1026335 (the "Plan");**

TO: **Loba Limited**
c/o Welton Parent Inc.
5310 Canotek Road, Suite 210
Ottawa,ON K1J 9N5

Attention: Sylvain Parent
President

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER in respect of the Plan under section 6 of the *Act*.

PROPOSED ORDER:
That the Plan be wound up in whole effective May 1, 2005

REASONS FOR THE ORDER:

1. The Plan has been registered under the *Act* effective January 1, 1996. The Plan is sponsored and administered by Loba Limited ("Loba").

2. On April 11, 2005 the Deputy Superintendent, Pensions received a notice from the Canada Revenue Agency, Registered Plans Directorate, enclosing a notice sent to Loba advising that the Plan's registration under subsection 147.1(12) of the *Income Tax Act* (Canada) had been revoked effective April 1, 2000. The reasons for the revocation were provided to the Plan in a notice of intent from the Canada Revenue Agency in a letter dated October 16, 2003, and were based on the Plan's failure to comply with provisions under the *Income Tax Act*. An appeal of the Minister's notice of intent by Loba to the Federal Court of Appeal was dismissed and application by Loba for Leave to Appeal to the Supreme Court of Canada was dismissed on April 7, 2005.

3. On April 29, 2005, Loba submitted a resolution amending the Plan to suspend all member contributions to the pension plan effective May 1, 2005. The amendment was registered on November 21, 2005. A covering letter from Welton Parent cites the revocation of the Plan's registration under the *Income Tax Act* as the reason for the suspension of contributions.

4. The registration of the Plan amendment suspending contributions of Loba and the Plan members is a cessation or suspension of employer contributions to the pension fund within the meaning of clause 69(1)(a) of the *Act*, and accordingly the Superintendent has the authority to order a wind up of the plan.

5. There is no benefit to members in not winding up the Plan because the decision of Minister to revoke the registration of Plan under the *Income Tax Act* is a final determination and the Plan cannot again be registered. The stated reason for the suspension of contributions (the revocation of the Plan under the *Income Tax Act*) will be permanent. Therefore there is no basis for the Superintendent not to exercise his discretion not to order a wind up of the Plan.

6. Such further reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to subsection 89(6) of the *Act*. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.[1]

YOUR WRITTEN NOTICE REQUIRING A HEARING must be delivered to:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, ON M2N 6L9

Attention: The Registrar

For further information, contact the registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY MAKE THE ORDER PROPOSED IN THIS NOTICE.

THE ADMINISTRATOR IS REQUIRED pursuant to subsection 89(5) to transmit a copy of this Notice of Proposal to the following persons:

All members and former members who would be affected by the wind-up of this Plan.

DATED at Toronto, Ontario, this 5th day of January, 2006.

K. David Gordon
Deputy Superintendent, Pensions

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[1] PURSUANT TO section 112 of the *Act*, any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the day of mailing.

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Slater Steel Inc. Pension Plan for Salaried Employees of Slacan Division** (the "Plan"), Registration Number **0489310**.

TO:
David Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Paul Davis
Vice President, Administration
Slater Stainless Corp.
Markborough Place
6711 Mississauga Road, Ste. 202
Mississauga ON L5N 2W3

Employer

AND TO:
Jeff Rosenberg
PricewaterhouseCoopers Inc.
145 King Street West
Toronto, ON M5G 1V8

Receiver

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up in full effective **August 31, 1997** for the following reasons and such further reasons that may come to my attention:

> **There was a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer failed to make contributions to the pension fund as required by this Act.**
>
> **All or part of the employer's business or all or part of the assets of the employer's business are sold, assigned or otherwise disposed of and the person who acquires the business or assets does not provide a pension plan for the members of the employer's pension plan who become employees of the person.**

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

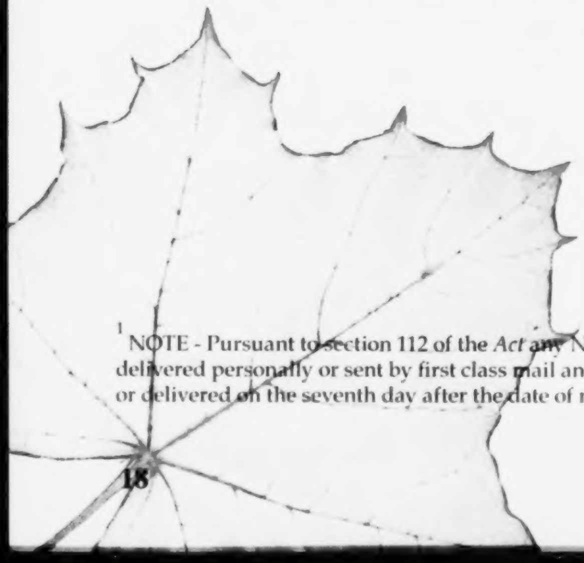
Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 5th day of January, 2006.

K. David Gordon
Deputy Superintendent, Pensions



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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Pension Plan for the Employees of Tandem Fabrics Inc.** (the Plan) Registration Number **0466151.**

TO:
Darlene Sundercock
Wind-up Customer Service Specialist
London Life Insurance Company
255 Dufferin Avenue
London, ON N6A 4K1

Administrator

AND TO:
Lorraine Leblanc
Plan Administrator
Tandem Fabrics Inc.
170 Mill Road, NB E1A 4B1

Employer

AND TO:
Mathew J. Munro
Vice President
PricewaterhouseCoopers Inc.
P.O. Box. 789
44 Chipman Hill, Suite 300
Saint John, NB E2L 4B9

Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up effective **July 8, 2005** for the following reasons and such further reasons that may come to my attention:

> **There was a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer failed to make contributions to the pension fund as required by this Act.**
>
> **The employer is bankrupt within the meaning of the Bankruptcy and Insolvency Act (Canada).**

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

Attention: The Registrar

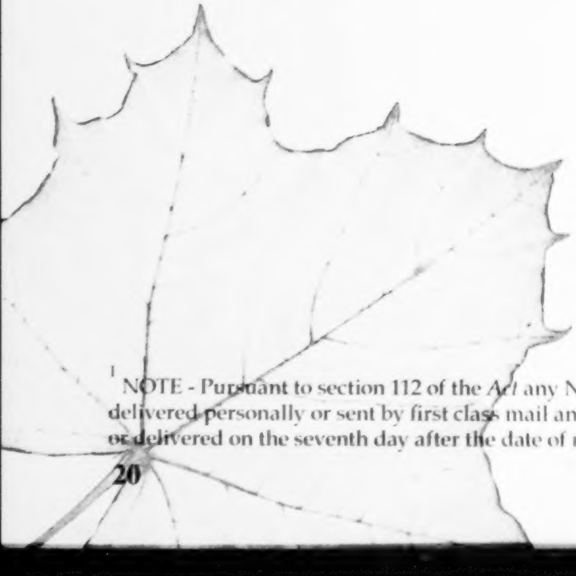
FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE

A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 20th day of January, 2006.

K. David Gordon
Deputy Superintendent, Pensions



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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Pension Plan for Employees of Nadeau et Fils 1354342 Ontario Inc.** (the Plan) Registration Number **1085372**

TO:
Melissa Lambert
Plan Design Specialist
Manulife Financial
P. O. Box 396
Delivery Station KC6
Waterloo, ON N2J 4A9

Administrator

AND TO:
Benoit Nadeau
President
Nadeau et Fils 1354342
Ontario Inc.
P.O. Box 166
Elk Lake, ON POJ 1G0

Employer

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up effective **March 31, 2003** for the following reasons and such further reasons that may come to my attention:

> **There was a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer failed to make contributions to the pension fund as required by this Act.**
>
> **The employer is bankrupt within the meaning of the Bankruptcy and Insolvency Act (Canada).**

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 20th day of January, 2006.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "*Act*");

AND IN THE MATTER OF a Wind up Report prepared and filed by Eckler Partners Ltd. on behalf of Caanron Construction Limited dated June 3, 2004, with respect to the wind up of the **Pension Plan For the Hourly Employees of Canron Construction Inc Registration No. 1044288** (the "Plan") effective December 31, 2003.

TO: **Canron Construction Inc.**
100 Disco Road,
Rexdale, ON M9W 1M1

Attention: J.S. (Paul) Kandola
Vice President and General Manager

Employer and Administrator of the Plan

AND TO: **Eckler Partners Ltd.**
110 Shepard Avenue East,
Suite 900
Toronto, ON M2N 7A3

Attention: George Mitchell

Plan Actuaries

AND TO: **Iain G. Potter**
300 Mill Road
Unit E24
Etobicoke ON M9C 4W7

President, The Employees Association of Canron Inc.

NOTICE OF PROPOSAL

I PROPOSE TO ORDER Canron Construction Inc. to file a revised wind up report under clause 88(2)(c)of the *Act* within 30 days of the date of this Notice of Proposal, with respect to the wind up of the Plan and the wind up report filed on June 9, 2004. The revised wind up report shall include the provision for the payment of benefits under clause 8.02(d) of the Plan (the "bridge benefits") for all plan members affected by the wind up who had a combination of age plus years of service totalling 85, or if they had age plus years of service totalling 55, would have grown into age plus years of service totalling 85 at retirement.

REASONS FOR THE PROPOSED ORDER:

1. The Plan was wound up effective December 31, 2003. A wind up report was filed with the Superintendent on June 9, 2004. The initial report identified the bridge benefit payable under clause 8.02(d) of the Plan and quantified the liability associated with the bridge benefit as being $296,000. However, it did not include the bridge benefit as a plan liability on the basis that the members who were entitled to the bridge benefit had accepted a severance package, terminating their employment, and the bridge benefit was only available on retirement.

2. Subsection 74(3) of the *Act* provides that bridging benefits offered under the pension plan to which a member would be entitled if the pension plan were not wound up and if the membership of the member were continued shall be included in calculating the pension benefit under subsection 74(1) of a person who has at

least ten years of continuous employment with the employer or has been a member of the pension plan for at least ten years.

3. The members entitled to the bridge benefits in question had their membership in the plan terminated as a result of the wind up of the plan. The decision to wind up the plan was due to a decision of the employer to cease operation at its Rexdale facility and terminate all hourly employees effective December 31, 2003. The wind up report has reflected this by calculating other benefits for these members in accordance with clause 8.02, the early retirement benefit provisions of the Plan, instead of the termination of membership provisions in clause 12.

4. Accordingly, subsection 74(3) applies for the purposes of determining benefits on plan wind up. The members in question would have become entitled to the bridge benefit had the plan not been wound up and, therefore, must be provided with the bridge benefits upon wind up.

5. Such further reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to s. 89(6) of the *Act*. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.[1]

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street
14th Floor
North York ON M2N 6L9

Attention: The Registrar

For further information, contact the registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY MAKE THE ORDER AS PROPOSED IN THIS NOTICE.

DATED at Toronto, Ontario, this 27th day of January, 2006.

K. David Gordon
Deputy Superintendent, Pensions

Copy: Priscilla H. Healy
Pallett Valo LLP

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Pension Plan for Tiger Brand Knitting Company** (the Plan) Registration Number **0310136.**

TO:

Darlene Sundercock
Wind-up Customer Service Specialist
London Life Insurance Company
255 Dufferin Avenue
London, ON N6A 4K1

Administrator

AND TO:

Barbara Braniff
Administrator
Tiger Brand Knitting Company Ltd.
96 Grand Ave. S., Box 188
Cambridge, ON N1R 5S9

Employer

AND TO:

Naveed Z. Manzoor
RSM Richter Inc.
200 King St. W., Suite 1100
Toronto, ON M5H 3T4

Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up effective **April 22, 2005** for the following reasons and such further reasons that may come to my attention:

There was a cessation or suspension of employer contributions to the pension fund.

The employer is bankrupt within the meaning of the Bankruptcy and Insolvency Act (Canada).

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 2nd day of February, 2006.

K. David Gordon
Deputy Superintendent, Pensions

NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *"Act"*);

AND IN THE MATTER OF a Proposal to Refuse to Approve a Partial Wind up Report by the Superintendent of Financial Services under section 70 of the *Act*, relating to the **Pension Plan for Employees of BetzDearborn Canada Registration No. 0220459.**

AND IN THE MATTER OF a Proposal to Require a New Report by the Superintendent of Financial Services under section 88 of the *Act* relating to the **Pension Plan for Employees of BetzDearborn Canada Registration No. 0220459 (the "Plan").**

TO: **BetzDearborn Canada Inc.**
2300 Meadowvale Blvd.
Maildrop C20
Mississauga, ON L5N 5P9

Attention: Lin Ann Rowe
Secretary-GE Betz Pension Committee

Employer and Administrator of the Plan

NOTICE OF PROPOSAL

I PROPOSE TO REFUSE TO APPROVE the Report on the Partial Wind-up of the Pension Plan for Employees of BetzDearborn Canada, Inc. as at December 31, 1996, dated September 30, 1997, (the "Initial Report") relating to the Plan pursuant to section 70 of the *Act*.

I ALSO PROPOSE TO REQUIRE A NEW REPORT to be prepared and filed within sixty (60) days from the date of this Notice of Proposal, which shall deal with the distribution of surplus related to the partial wind up effective December 31, 1996, relating to the Plan, pursuant to sections 70 and 88 of the *Act*.

REASONS FOR THE PROPOSED ORDER:

1. The Plan was partially wound up effective December 31, 1996. A partial wind up report was filed with the Superintendent on October 27, 1997, (the "Initial Report"). The Initial Report showed that there was an excess of partial wind up assets over liabilities in the amount of $2,515,000. The initial report did not contain any proposal for the distribution of surplus to the members of the Plan who were affected by the partial wind up.

2. On June 26, 1998, the Superintendent approved the distribution of basic benefits pursuant to section 70(3) of the *Act*.

3. The June 26, 1998, letter from the Superintendent references section 70(6) of the *Act* and states that "pursuant to subsection 70(6) of the *Act*, the members, former members and other persons affected by the partial wind up 'shall have rights and benefits that are not less than the rights and benefits they have on a full wind up of the pension plan on the effective date of the partial wind up.' The rights and benefits referred to in this subsection may include any entitlements to surplus that would exist on a full wind up. As a result, the surplus attributable to the members, former members and other persons affected by the partial wind up must be dealt with in accordance with the *Act*."

4. No action was taken by the administrator of the Plan respecting the surplus related to the partial wind up.

5. By letter dated August 17, 2004, the Financial Services Commission of Ontario ("FSCO") informed the plan administrator that the partial wind up of the plan had not been completed because there are assets that relate to the partial wind up portion of the Plan that were not distributed on the effective date of the partial wind up of the Plan.

6. FSCO requested that the plan administrator provide an update of the funding position of the Plan in respect to the partially wound-up portion of the Plan and if any surplus assets related to the partial wound up portion of the Plan remain, advise FSCO of the proposed plan and timetable to expedite the distribution of surplus.

7. The Plan administrator did not comply with the Superintendent's request and reminder letters were sent to the plan administrator on November 15, 2004, and on January 26, 2005.

8. The plan administrator by letter dated February 7, 2005, indicated that it was seeking advice from its actuaries and legal counsel regarding the proper course to follow. It also advised that it was making best efforts to comply with FSCO's requirements. FSCO, by letter dated February 25, 2005, granted an extension of time to the plan administrator to March 25, 2005.

9. The plan administrator subsequently requested an extension of time to May 25, 2005, which was granted by FSCO. FSCO also granted a further extension of time, at plan administrator's request, to September 25, 2005.

10. The plan administrator has not provided the update on the financial position for the partial wind up of the Plan and the proposed plan for distribution of the remaining assets related to the partially wound-up portion of the Plan as requested by FSCO.

11. Clause 88(2)(c) of the *Act* states that the Superintendent may make an order requiring the preparation of a new report and specifying the assumptions or methods or both that shall be used in the preparation of the new report, if the Superintendent is of the opinion that a report submitted in respect of a pension plan does not meet the requirements and qualifications of the *Act*, regulations, or the pension plan.

12. Section 1 of the *Act* defines "partial wind up" as meaning a distribution of assets of the Plan that are related to the partial wind up.

13. Section 1 of the *Act* defines "surplus" as the excess of the value of the assets of a pension fund related to a pension plan over the value of the liabilities under the pension plan, both calculated in the prescribed manner.

14. Subsection 70(6) of the *Act* states that on a partial wind up, members, former members, and other persons entitled to

benefits under the pension plan shall have rights and benefits that are not less than the rights and benefits they would have on a full wind up of the pension plan on the effective date of the partial wind up.

15. Clause 70(1)(c) of the *Act* states that the administrator shall file a partial wind up report that sets out the methods of allocating and distributing the assets of the pension plan and determining the priorities for payment of benefits.

16. The Supreme Court of Canada has confirmed, in *Monsanto Canada Inc. et al. v. Superintendent of Financial Services* (2004 SCC 54), that members affected by a partial wind up are entitled to have surplus assets distributed on the effective date of the partial wind up.

17. Therefore, the Initial Report does not comply with the *Act* because it does not provide for the distribution of surplus on partial wind up.

18. Clause 87(2)(c) of the *Act* states that the Superintendent may make an order if the Superintendent is of the opinion, upon reasonable and probable grounds, that the administrator or employer of the plan is contravening a requirement of the *Act* or regulations.

19. On a full wind up, all assets of the plan are distributed. If there are surplus assets, and the members are entitled to surplus under the terms of the pension plan, the surplus must be distributed to the members. If there are surplus assets, and the employer is entitled to surplus under the terms of the pension plan, the employer must apply to the Superintendent for the Superintendent's consent to withdraw surplus pursuant to subsection 79(3) of the *Act*. The employer must also obtain the consent of at least 2/3 of the members pursuant to section 8 of Regulation 909, as amended.

20. Because the members are entitled to a surplus distribution on full wind up if they are entitled to surplus under the plan, they have the same right on partial wind up.

21. Because the members are entitled to consent to a surplus withdrawal by the employer on full wind up if the employer is entitled to surplus under the plan, they have the same right on partial wind up.

22. Such further and other reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING before the Financial Services Tribunal of Ontario (the "Tribunal") pursuant to subsection 89(6) of the *Act*. To request a hearing[1], you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.

YOUR WRITTEN REQUEST must be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, ON M2N 6L9

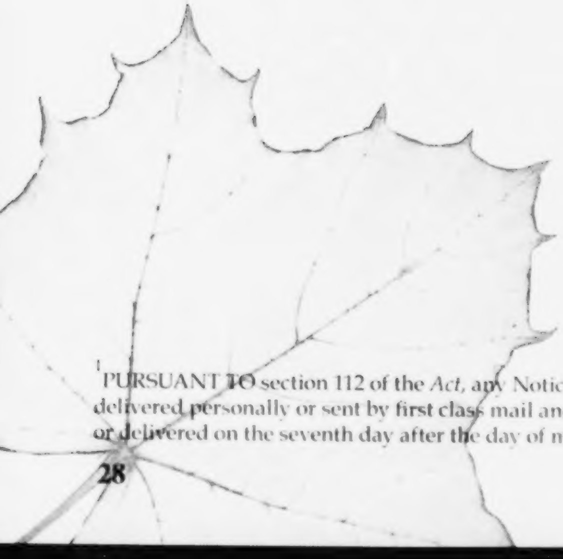
Attention: The Registrar

For further information, contact the Registrar of the Tribunal by phone at 416-226-7752, or toll free at 1-800-668-0128 ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY ISSUE THE ORDERS PROPOSED IN THIS NOTICE OF PROPOSAL.

DATED at North York, Ontario, this 6th day of February, 2006.

K. David Gordon
Deputy Superintendent, Pensions



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IN THE MATTER OF the *Pension Benefits Act*, R.S.O.1990, c.P.8, as amended (the *"Act"*);

AND IN THE MATTER OF a Proposal to Make an Order under section 87 of the *Act* in relation to the **Pension Plan for Employees of National Steel Car Limited**, Registration Number 0215038;

TO: **National Steel Car Limited**
600 Kenilworth Avenue North
P.O. Box 2450, Stn Lcd 1
Hamilton, Ontario L8N 3J4

Linda A. Smith
Manager, Payroll & Benefits

Employer and Administrator

AND TO: Mr. Taso Ristic
c/o C. Winterburn
Local Union 7135, United Steel Workers of America
350 Kenilworth Avenue N.
First Floor
Hamilton, Ontario L8H 4T3

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER pursuant to section 87 of the *Act* requiring National Steel Car Limited ("National Steel Car") to credit Mr. Taso Ristic ("Mr. Ristic"), a former member of the Pension Plan for Employees of National Steel Car Limited, Registration Number 0215038 (the "Plan"), with service under the Plan for the period or periods of time during which Mr. Ristic was laid off from employment and receiving partial permanent disability benefits from the Workmen's Compensation Board (the "WCB").

REASONS:

1. National Steel Car is the employer and administrator of the Plan.
2. Mr. Ristic was employed by National Steel Car Limited and was a member of the Plan from June 24, 1964 to February 24, 1977.
3. Mr. Ristic sustained a workplace injury and off work from December 21, 1971 to January 17, 1972, during which time he received total temporary disability benefits from the WCB.
4. Mr. Ristic was again off work and received total temporary disability benefits from the WCB from February 14, 1972 to April 10, 1972.
5. On April 11, 1972, Mr. Ristic returned to work and began receiving partial permanent disability benefits from the WCB.
6. Mr. Ristic was again laid off from July 14, 1972 to November 6, 1973, during which time he continued to receive partial permanent disability benefits from the WCB.
7. On February 24, 1975, Mr. Ristic was laid off for the last time. On February 24, 1977, his employment status was altered from laid off to quit pursuant to the collective agreement. Mr. Ristic continued to receive partial permanent disability benefits from the WCB throughout.
8. The Plan provisions in effect while Mr. Ristic was employed by National Steel Car provided in Part II, paragraph 3:

> The number of complete weeks for which an Employee receives Workmen's Compensation benefits shall be credited on the basis of 40 hours for each week, provided that no Employee shall be credited with service under this subsection after retirement.

9. The Plan did not define the term "Workmen's Compensation benefits".

10. The *Workmen's Compensation Act,* R.S.O. 1970, c.505 (the "*WCA*") provides for four types of workers' compensation benefits: partial temporary disability benefits; total temporary disability benefits; partial permanent disability benefits; and total permanent disability benefits. The *WCA* refers to all of these benefits as "compensation".

11. The Plan provision cited in paragraph 8 above does not distinguish among the various types of workers' compensation benefits. Absent such a distinction, and absent any definition of the term "Workmen's Compensation benefits" in the Plan, that term must include all four types of workers' compensation benefits provided by the *WCA* at the time of Mr. Ristic's various layoffs from employment.

12. National Steel Car has refused to credit Mr. Ristic with service under the Plan for the periods during which he was laid off and receiving partial temporary disability benefits from the WCB.

13. The *Act* states in clause 87(2)(a) that the Superintendent of Financial Services (the "Superintendent") may require an administrator to take any action if the Superintendent is of the opinion, upon reasonable and probable grounds, that the pension plan is not being administered in accordance with the pension plan.

14. National Steel Car is not administering the Plan in accordance with its terms by refusing to credit Mr. Ristic with service under the Plan for the time or times during which Mr. Ristic was laid off from employment and receiving partial permanent disability benefits from the WCB.

15. Such further and other reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to subsection 89(6) of the *PBA*. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you[1].

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

Attention: The Registrar

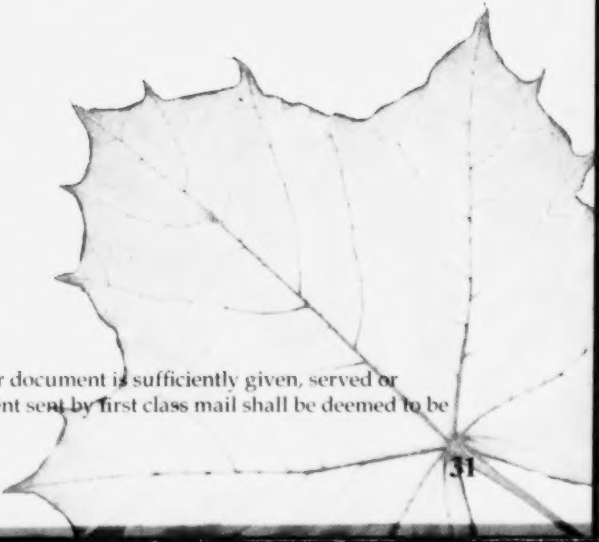
FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at (416) 226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at (416) 226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY MAKE THE ORDER PROPOSED IN THIS NOTICE OF PROPOSAL.

DATED at Toronto, Ontario, February 6th, 2006.

K. David Gordon
Deputy Superintendent, Pensions

cc Blake, Cassels & Graydon LLP
Barristers & Solicitors
Box 25, Commerce Court West
199 Bay Street
Toronto, Ontario
M5L 1A9
Attention: Jeffrey P. Sommers



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[1] NOTE - PURSUANT TO section 112 of the *PBA*, any Notice, Order, or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Decor Products International, a Division of Kleco Corporation Hourly Pension Plan** (the "Plan") Registration Number **0696864.**

TO:
David R. Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

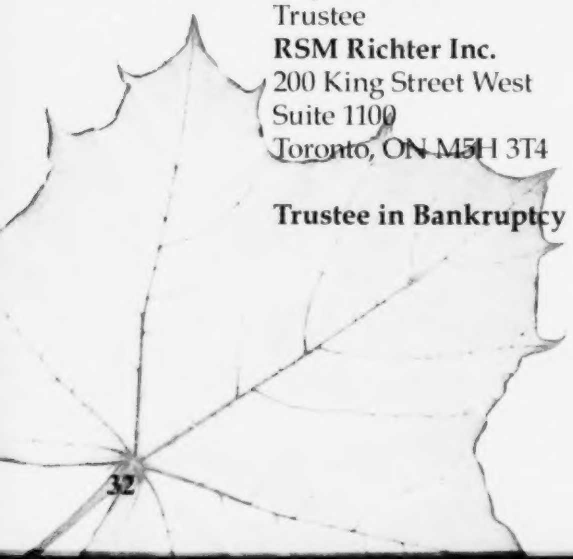
Administrator

AND TO:
Ron Henderson
Controller
Decor Products International, a Division of Kleco Corporation
140 Bay Street
Midland, ON L4R 4L4

Employer

AND TO:
Wayne Palmer
Trustee
RSM Richter Inc.
200 King Street West
Suite 1100
Toronto, ON M5H 3T4

Trustee in Bankruptcy



AND TO:
Wayne Latour
The National Automobile, Aerospace and Agricultural Implement Workers of Canada (CAW-Canada) Local 1411
P.O. Box 550
Midland, ON L4R 4L3

Union Representative

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up effective **March 8, 2005** and include the class of members whose employment or membership terminated during the period of February 11, 2005 and March 8, 2005 for the following reasons and such further reasons that may come to my attention:

> **There was a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer failed to make contributions to the pension fund as required by this Act.**
>
> **The employer is bankrupt within the meaning of the Bankruptcy and Insolvency Act (Canada).**
>
> **A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.**

All or a significant portion of the business carried on by the employer at a specific location was discontinued.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

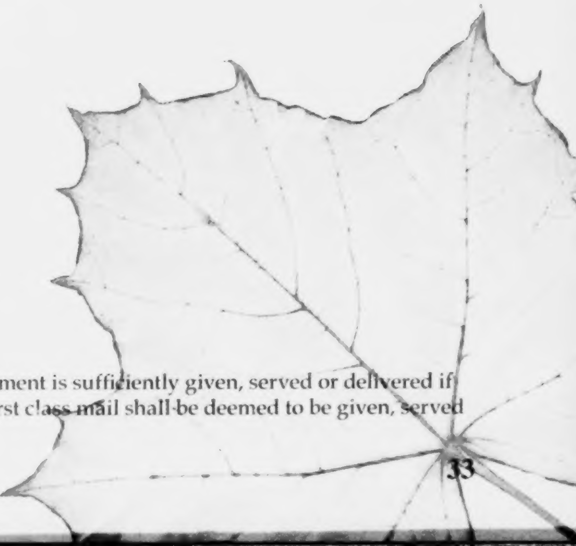
Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 9th day of February, 2006.

K. David Gordon
Deputy Superintendent, Pensions



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[1] NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of m

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c.P.8, as amended (the *"Act"*);

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Refuse to Consent to a Transfer of Assets under section 81 of the Act from the **Nacan Products Limited Pension Plan for Former Employees of Acheson Colloids (Canada) Ltd., Registration No. 0576975,** to the **Pension Plan for Salaried Employees of Nacan Products Limited and its Associated and Subsidiary Companies, Registration No. 0286294.**

TO: **Nacan Products Limited**
60 West Drive
Brampton, Ontario
L6T 4W7

Attention: Lousie Clune, HR Specialist
Employer and Administrator

NOTICE OF PROPOSAL

I PROPOSE TO:

1. **REFUSE TO CONSENT** to the application submitted by Nacan Products Limited (Employer and Administrator) for the transfer of assets and liabilities from Nacan Products Limited Pension Plan for Former Employees of Acheson Colloids (Canada) Ltd., Registration No. 0576975 (the "Acheson Plan") to the Pension Plan for Salaried Employees of Nacan Products Limited and its Associated and Subsidiary Companies, Registration No. 0286294 (the "Nacan Plan"), effective January 1, 2002, under section 81(5) of the *Act*.

REASONS FOR THE REFUSAL:

1. An application was made to the Superintendent of Financial Services (the "Superintendent") for consent to a transfer of assets from the Acheson Plan to the Nacan Plan.

2. Section 81 of the Act provides that no transfer of assets shall be made from one pension fund to another without the Superintendent's consent to the transfer of assets. Section 81(5) provides that:

   > The Superintendent shall refuse to consent to a transfer of assets that **does not protect the pension benefits and other benefits of the members and former members of the original plan** or that does not meet the prescribed requirements and qualifications. [Emphasis added]

3. Section 11(a) of the Financial Services Commission of Ontario ("FSCO") Policy A700-251 entitled "Full Asset Transfers under Section 81 – Superintendent's Consent Required", effective as of October 29, 1996, provides that:

   > The Superintendent may decide that the benefits are not protected where:
   >
   > (a) the transfer ratio of the importing plan is less than the highest transfer ratio of the exporting plans, and is less than 1.0;

4. The Actuarial Valuation Report as of January 1, 2002 shows that, on an accrued basis, the Acheson Plan (which is the

exporting plan) has a surplus of $214,946 (the difference between the actuarial liabilities of $836, 228 and the actuarial value of assets of $1,051, 174). It also shows that the Acheson Plan has no solvency deficiency. The Report shows that the Acheson Plan is fully funded for accrued benefits on both an ongoing basis and a solvency basis. Therefore, in the event of a full wind up, there would be sufficient assets in the pension fund of the Acheson Plan to pay all benefits provided for under the Acheson Plan.

5. The "Plan Merger Actuarial Valuation Report" as of January 1, 2002 shows that the Nacan Plan (which is the importing plan) has an unfunded actuarial liability of $3,102,021 (the difference between the actuarial liabilities of $25,557,192 and the actuarial value of assets of $22,455,171). It shows that the Nacan Plan has a solvency deficiency of $2,084,032. Therefore, in the event of a full wind up, there would not be sufficient assets in the pension fund of the Nacan Plan to pay all benefits provided for under the Nacan Plan.

6. The Actuarial Valuation Report as of January 1, 2002 shows that the transfer ratio of the Acheson Plan is 1.00. The Plan Merger Actuarial Valuation Report shows that the transfer ratio of the Nacan Plan is 0.773.

7. The Plan Merger Actuarial Valuation Report reveals that the transfer ratio of the merged plan (the importing plan), if there was to be an asset transfer, would be 0.786. Thus the transfer ratio of the importing plan is less than the highest transfer ratio of the exporting plans and is less than 1.0. Accordingly, as of January 1, 2002, in the event of a full wind-up, there would be insufficient assets in the pension fund of the merged plan to pay all the benefits provided for under the merged plan.

8. The Superintendent asked Nacan Products Limited, through its actuary, to address the Superintendent's concern that the pension and other benefits of the members and former members of the exporting plan (the Acheson Plan) would not be protected if there was to be an asset transfer, in a letter dated August 28, 2003. Specifically, the Superintendent asked the actuary to demonstrate how the benefits would be protected under the circumstances or provide the Superintendent with its proposed corrective actions to remedy this situation.

9. In its response dated October 20, 2003, Nacan Products Limited does not demonstrate how the benefits would be protected under the circumstances and does not propose any action that would ensure that in the event of a full wind-up there would be sufficient assets in the merged plan to pay all the benefits provided for under the Acheson Plan. Further, its opinion that the merger would contribute and enhance the protection and security of the pension plan benefits for all Nacan and Acheson plan members because (1) the merged plan would benefit from lower investment management, administration and consulting costs; and (2) with a larger and stronger asset base the merged plan could take advantage of wider range of investments in order to maximize its growth and earnings potential, is not sufficient. These reasons do not provide any assurance that the

pension and other benefits of the members and former members of the exporting plan (the Acheson Plan) provided under the Acheson Plan would be protected in the event of a full wind up of the merged plan.

10. Therefore, the Superintendent proposes to refuse to consent to the transfer of assets from the Acheson plan to the Nacan Plan under section 81(5) of the Act.

11. Such further and other reasons as may come to may attention, including any issues that may arise concerning the applicability of *Aegon Canada Inc. and ING Canada Inc.* (2003) 38 C.C.P.B. 1 (Ontario Court of Appeal).

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to s. 89(6) of the *Act*. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.[1]

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY REFUSE TO CONSENT TO THE ASSET TRANSFER AS PROPOSED IN THIS NOTICE.

DATED at Toronto, Ontario, this 13th day of February, 2006.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE - Pursuant to section 112 of the *Act*, any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by regular mail and any document sent by regular mail shall be deemed to be given, served or delivered on the seventh day after the day of mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the "*PBA*");

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Refuse to Make an Order under section 87(1) of the *PBA* relating to the **CCSI Technology Solutions Corp. Retirement Program, Registration Number 0546101**

TO: **Blair Smears**
46 Thurston Road
Toronto, ON M4S 2V7

Applicant

AND TO: **CCSI Technology Solutions Corp**
c/o CompuCom Systems, Inc.
7171 Forest Lane
Dallas, TX 75230

Attention: Cheryl Graham
Manager, Benefits

Administrator of the Pension Plan

NOTICE OF PROPOSAL

I PROPOSE TO REFUSE TO MAKE AN ORDER that the Administrator of the CCSI Technology Solutions Corp. Retirement Program, Registration Number 546101 (the "Plan") (formerly known as the GE IT Solutions Inc. Retirement Program), pay an amount equal to the commuted value of the deferred pension to the Applicant's retirement account.

REASONS FOR THE REFUSAL:

1. The Plan is a hybrid defined benefit/ defined contribution plan. However, the Applicant's benefits are defined contribution only.

2. Prior to January 1, 2005, GE IT Solution Inc. ("GEIT") was the administrator and sponsor of the Plan. Effective January 1, 2005, CCSI Technology Solutions Corp ("CCSI") became the administrator and sponsor of the Plan pursuant to a purchase agreement and related agreement between, *inter alia*, GEIT and an affiliate of CCSI. Effective February 28, 2005, the name of the Plan was changed to its current name from GE IT Solutions Inc. Retirement Program to reflect the change in Plan sponsor.

3. On May 1, 2000, the Applicant became an employee of GEIT (formerly known as GE Capital Information Technology Solutions Inc.). He became a member of the Plan on May 1, 2002. The Applicant's employment ceased on April 16, 2004. The Applicant was paid his contributions to the Plan with interest upon termination. He did not receive any amount in respect of employer contributions made on his behalf.

4. Section 37 of the *PBA* provides that a member who is a member of a plan for "a continuous period of at least twenty-four months" as per section 37(2)(b) qualifies for a deferred pension under section 37(3). The Applicant was two weeks short of the mandatory vesting period of two years set out under section 37 of the *PBA* at the date of his termination. Therefore, the Applicant is not vested in the Plan and is

not entitled to a deferred pension or the employer's contributions to the Plan made on his behalf.

5. The Applicant argues that the three weeks mandatory notice on termination under Part XV of the *Employment Standards Act*, S.O. 2000, c. 41 (the "*ESA*") should be included in the Applicant's credited service such that the Applicant meets the threshold for vesting set out in section 37 of the *PBA*. However, the jurisdiction of the Superintendent to make the requested order is set out in section 87 of the *PBA* and is triggered only where there is a contravention of the *PBA*, regulations or the terms of a pension plan.

6. A contravention of the *ESA* (assuming that the Applicant's position concerning the *ESA* is correct) does not constitute a contravention of the *Act*, regulations, nor the terms of the Plan. Moreover, there is no indication in the *PBA*, regulations or the Plan that the statutory notice period in the *ESA* should be included in the calculations of membership service credit for the purposes of section 37 of the *PBA*. Accordingly, the Superintendent does not have the authority to grant the requested order.

7. Finally, the Applicant relies on section 74(5) of the *PBA* which states that the *ESA*'s statutory notice period is to be included in membership for a pension plan that is "wound up in whole or in part." The Plan has not been wound up in whole or in part, therefore, section 74(5) does not apply.

8. Such further reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to s. 89(6) of the *PBA*. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.[1]

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY (REFUSE TO) MAKE THE ORDER (AS)PROPOSED IN THIS NOTICE.

DATED at Toronto, Ontario, this 16th day of February, 2006.

K. David Gordon
Deputy Superintendent, Pensions

CC: B. Lecker - Lecker & Associates
S. Kapur - McCarthy Tétrault LLP

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IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the Act consenting to a payment out of the **Pension Plan for Employees of Compass Group of Canada (Beaver) Ltd.** (the Plan), Registration Number **567354**.

TO: Mr. Bruce Tavender, CA
Vice President, Finance
Compass Group Canada (Beaver) Ltd.
493 Dundas Street
London, ON N6B 1W4

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(4) of the *Act*, consenting to the payment, out of the **Pension Plan for Employees of Compass Group of Canada (Beaver) Ltd.**, to **Compass Group Canada (Beaver) Ltd.**, as at **September 29, 2005, and October 31, 2005,** in the amount of **$741,492** at each date plus interest to the date of payment for the following reason and such further reasons that may come to my attention:

1. **Compass Group Canada (Beaver) Ltd.** is the employer as defined in the Plan.
2. As a result of **a misinterpretation of the minimum amount of monthly special payments, contributions as set out in the December 1, 2004, actuarial valuation report were remitted incorrectly. Instead of remitting the monthly amount, the annual amount of special payments was remitted twice (once for August contributions and once for September contributions).**
3. Evidence of the overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. The application appears to comply with section 78(4) of the *Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the *Act* if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the Tribunal a written notice that you require a hearing.

Your written notice requiring a hearing must be delivered to:

Financial Services Tribunal
14th Floor, 5160 Yonge Street
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 27th day of February, 2006.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE—PURSUANT to section 112 of the *Act* any notice, order or other document is sufficiently given, served, or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served, or delivered on the seventh day after mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the Act);

AND IN THE MATTER of a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **Nissan Canada Inc. Retirement Plan** (the Plan), Registration Number **563247**.

TO: James P. Higgins
Nissan Canada Inc.
5290 Orbitor Drive
Mississauga, ON L4W 4Z5

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(4) of the *Act*, consenting to the payment, out of the **Nissan Canada Inc. Retirement Plan**, to **Nissan Canada Inc.**, as at **December 31, 2005** in the amount of **$57,176** plus interest to the date of payment for the following reasons and such further reasons that may come to my attention:

1. **Nissan Canada Inc.** is the employer as defined in the Plan.
2. As a result of **the new Actuarial Valuation Report as at December 31, 2004, the employer contribution requirements for the year 2005 are less than the contribution requirements set out in the Actuarial Valuation Report as at December 31, 2003. Therefore, the 2005 employer contributions made up to September 2005 which were based on the December 31, 2003 Actuarial Valuation Report, exceed the amount required to be made by the employer.**
3. Evidence of the overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. The application appears to comply with section 78(4) of the Act. The application was made in the same fiscal year in which the overpayment occurred.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the *Act* if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the Tribunal a written notice that you require a hearing.
Your written notice requiring a hearing must be delivered to:
Financial Services Tribunal
14th Floor, 5160 Yonge Street
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 7th day of March, 2006

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **Retirement Plan for Employees of City Welding (Sudbury) Limited** (the Plan), Registration Number 0419994.

TO: Georges Brouillette
Owner/Operator
City Welding (Sudbury) Limited
939 Elisabella Street
Sudbury, ON P3A 5K1

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(4) of the *Act*, consenting to the payment, out of the Plan, to **City Welding (Sudbury) Limited**, as at **May 31, 2005** in the amount of **$13,750.00** plus interest to the date of payment for the following reason and such further reasons that may come to my attention:

1. **City Welding (Sudbury) Limited** is the employer as defined in the Plan.
2. As a result of **contributions being made to the Plan, as well as to two separate Individual Pension Plans established January 1, 2005 for Georges Brouillette and Gisele Brouillette.**
3. Evidence of the overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. There were no member submissions made about the repayment.
5. The application appears to comply with section 78(4) of the Act.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the *Act* if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the Tribunal a written notice that you require a hearing.

Your written notice requiring a hearing must be delivered to:

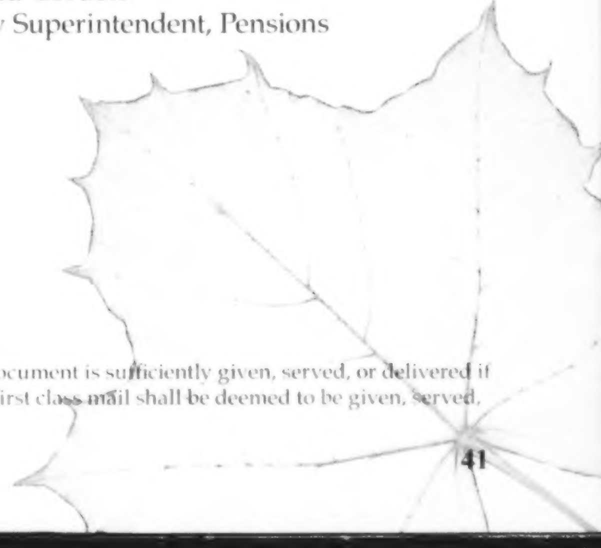
Financial Services Tribunal
14th Floor, 5160 Yonge Street
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 7th day of March, 2006.

K. David Gordon
Deputy Superintendent, Pensions



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IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **Pension Plan for Non-Union Employees of General Mills Canada Corporation** (the Plan), Registration Number **0291500**.

TO: Ms. Nancy Wood
Human Resources Manager
General Mills Canada Corporation
5825 Explorer Drive
Mississauga, ON L4W 5P6

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(4) of the Act, consenting to the payment, out of the Plan, to **General Mills Canada Corporation**, as at **July 28, 2003** in the amount of **$115,963.15** plus interest to the date of payment for the following reasons and such further reasons that may come to my attention:

1. **General Mills Canada Corporation** is the employer as defined in the Plan.
2. As a result of **an administrative error, a contribution of $115,963.15 was made to the Plan as at July 28, 2003 that should have been made to the Pension Plan for Midland Union Employees of General Mills Canada Corporation, Registration No. 0574491**.
3. Evidence of the overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. There were no member submissions made about the repayment.
5. The application appears to comply with section 78(4) of the Act.

In accordance with subsection 105(1) of the *Act*, an extension of the time limit under subsection 78(4) has been given.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the *Act* if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the Tribunal a written notice that you require a hearing.

Your written notice requiring a hearing must be delivered to:
Financial Services Tribunal

14th Floor, 5160 Yonge Street
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 8th day of March 2006.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE – PURSUANT to section 112 of the *Act* any notice, order or other document is sufficiently given, served, or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served, or delivered on the seventh day after mailing.

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Staff Pension Plan for the Employees of A. Gledhill & Son Inc.** (the "Plan") Registration Number **0942953**.

TO: Melissa Lambert
Plan Design Specialist
The Manufacturers Life Insurance Company
500 King Street North
P.O. Box 1602
Waterloo, ON N2J 4C6

Administrator

AND TO: Larry Gledhill
633 Colborne Street
London, Ontario N6A 2V3

Employer

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up effective **February 28, 1990** for the following reasons and such further reasons that may come to my attention:

> **There was a cessation or suspension of employer contributions to the pension fund.**

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

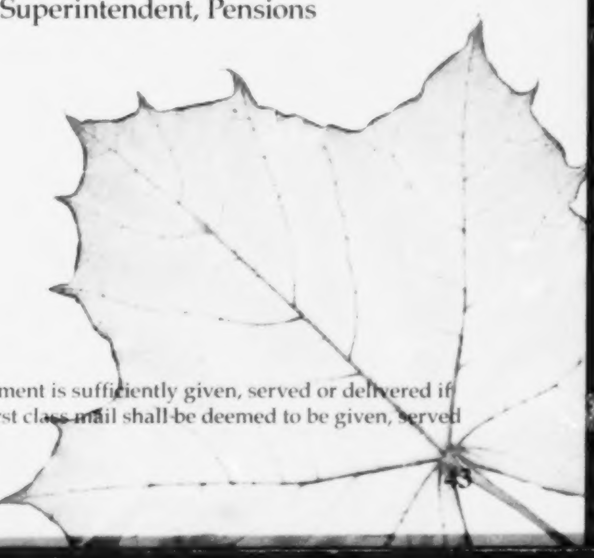
Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 20th day of March, 2006.

K. David Gordon
Deputy Superintendent, Pensions



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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Pension Plan for Hourly Employees of Chun King Canada Inc.** (the "Plan") Registration Number **0597450**.

TO:
David R. Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Millls Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Pension Plan Administrator
Chun King of Canada Inc.
1019 Elliot Street West
Windsor, ON N9A 5Z8

Employer

AND TO:
Ron Milkins
United Food and Commercial Workers Union Local 459
261 Erie Street
Leamington, ON N8H 3C4

Union Representative

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up effective **December 1, 1991** and include the class of members whose employment terminated between September 11, 1991 and December 1, 1991 for the following reasons and such further reasons that may come to my attention:

> **A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.**
>
> **All or a significant portion of the business carried on by the employer at a specific location was discontinued.**

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

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IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE

OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 20th day of March, 2006.

K. David Gordon
Deputy Superintendent, Pensions

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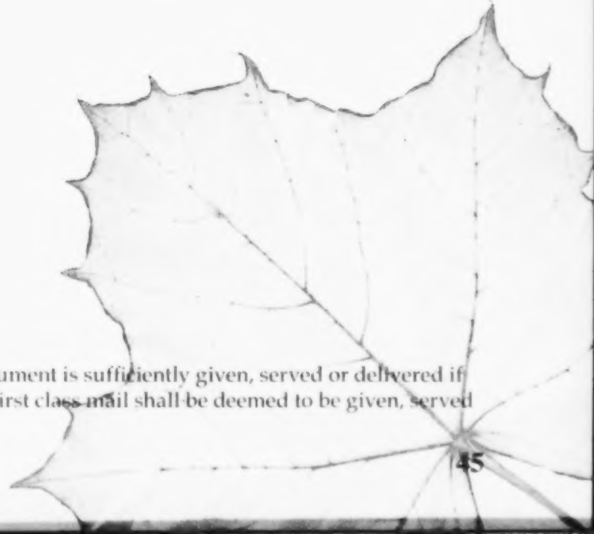

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Registered Pension Plan for Employees of Siematic(Canada) Limited Partnership and Participating Affiliates** (the Plan) Registration Number **0923250**.

TO: Audrey Humphrey
Plan Finals Associate
Sun Life Financial
227 King Street South
P.O. Box 1601 STN Waterloo
Waterloo, ON N2J 4C5

Administrator

AND TO: Lori Stotts
Administrator
Siematic (Canada) Limited Partnership
353 Manitou Drive
Kitchener, ON N2C 1L5

Employer

AND TO: Robert Bougie
Senior Vice President
Deloitte & Touche
79 Wellington Street West
Suite 1900
Toronto, ON M5K 1B9

Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up effective **May 15, 2005** for the following reasons and such further reasons that may come to my attention:

> **There was a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer failed to make contributions to the pension fund as required by this Act.**
>
> **The employer is bankrupt within the meaning of the Bankruptcy and Insolvency Act (Canada).**
>
> **A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.**

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 20th day of March, 2006.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Registered Pension Plan for Employees of Hunjan Tools & Mould Ltd. and Participating Affiliates** (the Plan) Registration Number **1045368**.

TO: Nilu Balsara
Plan Design Services
Manulife Financial
P.O. Box 396, Station Waterloo
Delivery Station -KC-6
Waterloo, ON N2J 4A9

Administrator

AND TO: Mirjana Pratnemer
Benefits Administrator
Hunjan Tools & Mould Ltd. and Participating Affiliates
380 Marklano Street
Markham, ON L6C 1T6

Employer

AND TO: **Anamika Gadia**
KPMG Inc
199 Bay Street
Suite 3300, Commerce Court W.
Toronto, ON M5L 1B2

Receiver
Union Representative

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up effective **June 16, 2005** for the following reasons and such further reasons that may come to my attention:

> **There was a cessation or suspension of employer contributions to the pension fund.**

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. **Any notice requiring a hearing shall be delivered to the:**

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, Ontario M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 24th day of March, 2006.

K. David Gordon
Deputy Superintendent, Pensions

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IN THE MATTER OF the *Pension Benefits Act* R.S.O. 1990, c. P.8, as amended (the *"Act"*)

AND IN THE MATTER OF a Notice of Proposal issued by the Superintendent of Financial Services to order the return of assets to the **Pension Plan for the Aluminum Brick and Glass Workers International Union Retirement & Pension Plan Registration No. 0009838** from the **United Steel Workers of America (International Union) Staff Pension Plan Registration No. 0008964** under section 81(6) of the *Act;*

AND IN THE MATTER OF a Notice of Proposal issued by the Superintendent of Financial Services to order the filing of a report on the actuarial valuation of the assets transferred from the **Pension Plan for the Aluminum Brick and Glass Workers International Union Retirement & Pension Plan Registration No.0009838** to the **United Steel Workers of America(International Union) Staff Pension Plan Registration No. 0008964;**

AND IN THE MATTER OF a Notice of Proposal issued by the Superintendent of Financial Services to order the filing of the Financial Statements, Annual Information Returns, Pension Benefits Guarantee Fund assessment certificates and Financial Statements for the **Pension Plan for the Aluminum Brick and Glass Workers International Union Retirement & Pension Plan Registration No.0009838** under the *Act* and Regulation 909 R.R.O. 1990.

TO: **Aluminum Brick Glassworkers**
3362, Hollenberg Dr.,
Bridgeton USA, MO
63044-2477

Attention: Mr John Murphy
Director

AND TO: **Sack Goldblatt Mitchell LLP**
20 Dundas Street West,
Suite 1130, P.O. Box 180
Toronto, Ont. M5G 2G8

Attorneys at law for United Steel Workers of America International Union

NOTICE OF PROPOSALS

I PROPOSE TO:

1. **ORDER** that the administrator of the Aluminum Brick and Glass Workers International Union Retirement & Pension Plan Registration No.0009838 (the "ABG Plan") file a report on the actuarial valuation for the assets transferred from the ABG Plan to the United Steel Workers of America (International Union) Staff Pension Plan Registration No. 0008964 ("USWA Staff Plan") within 90 days from the date of this proposal.

2. **ORDER THAT** the assets transferred from the ABG Plan to the USWA Staff Plan be returned to the ABG Plan together with the accrued interest within 90 days from the date of this proposal pursuant to section 81(6) of the *Act;* and

3. **ORDER THAT** the Financial Statements due September 30, 2001, September 30, 2002, September 30, 2003, September 30, 2004 and September 30, 2005; the Annual Information Returns due at December 31, 2001, December 31, 2002, December 31, 2003, December 31, 2004 and December 30,

2005; the Pension Benefits Guarantee Fund assessment certificates due December 31, 2001, December 31, 2002, December 31, 2003, December 31, 2004, December 31, 2005; and the Actuarial Reports due January 1, 2001 and January 1, 2004, be filed within 90 days from the date of this proposal.

REASONS FOR THE PROPOSALS:

1. The ABG Plan is a defined benefit plan. It was submitted for registration with the predecessor of the Financial Services Commission of Ontario ("FSCO") in 1967, effective July 28, 1964. The ABG Plan was registered with Canada Customs and Revenue Agency ("CRA") effective January 28, 1964, however, it is now listed by CRA as having been abandoned. Prior to April 1, 2000 the Plan complied with the various filing requirements (including the Annual Information Returns, Financial Statements, Pension Benefits Guarantee Fund assessment certificates and Actuarial Reports) under the *Act*.

2. Effective January 19, 1997, Aluminum Brick and Glass Workers Union ("ABGWU") merged with the United Steelworkers Union of America International Union ("USWA") and became part of USWA. Both unions at the time of the merger maintained separate pension plans, the ABG Plan and the USWA Staff Plan respectively. The active members of ABGWU became employees of USWA as of the merger date, and also became members of the USWA Staff Plan for the accrual of future service credits only. The USWA Staff Plan has members in other provinces in Canada in addition to Ontario.

3. The assets of the trust funds of both the ABG Plan and the USWA Staff Plan are situated and maintained in the United States of America ("U.S.A.") The trustees of both pension plans are located in the U.S.A. and are subject to the laws of the U.S.A.

4. By a resolution dated March 9, 2000, the USWA and the Trustees of the ABG Plan agreed to merge the ABG Plan with the USWA Staff Plan effective April 1, 2000. At the time of the merger of the plans, the trust funds of both plans were subject to regulation in the U.S.A., under the *Employee Retirement Income Security Act* ("ERISA") and the Internal Revenue Code ("IRC"). The merger of the plans was approved in the U.S.A. by the IRC by determination letter dated July 25, 2002.

5. No application was made to the Superintendent for consent to the merger of the ABG Plan and the USWA Staff Plan.

6. FSCO wrote the administrator of the ABG Plan in relation to its delinquency in filing the Actuarial Reports, Annual Information Returns, Pension Benefits Guarantee Fund assessments certificates, Financial Statements and the submission of the relevant documents in relation to the merger of the ABG Plan with the USWA Staff Plan in compliance with the requirements under the *Act* and FSCO Policy No. A700-251 concerning the full transfer of assets from one pension plan to another.

7. In response to FSCO's request, the lawyers for the USWA, by letter dated March 10, 2004, submitted that FSCO has no jurisdiction over the trust funds and consequently has no jurisdiction over any

asset transfer between the two trust funds of the ABG Plan and the USWA Staff Plan for the following reasons: the transfer was between two foreign trust funds; neither of the pension plans were registered with CRA; both pension plans qualify as foreign unregistered plans for the purposes of CRA; and all the assets of the trust funds of both plans were situated in the U.S.A. at the time of the merger and continue to be held outside of Canada.

8. The Superintendent's authority to regulate a pension plan is set out in section 3 of the *Act*. Under section 3, that authority is determined by whether or not a plan member is employed in Ontario and the plan falls within the definition of a "pension plan" for the purposes of the *Act*.

9. The concept of the "place of employment" is set out in section 4 of the Act which provides as follows:

   > 4—(1) For the purposes of this Act, a person shall be deemed to be employed in the province in which the establishment of his or her employer is located and to which the person is required to report to work
   >
   > (2) A person who is not required to report for work at an establishment of his or her employer shall be deemed to be employed in the province in which is located the establishment of his or her employer from which the person's remuneration is paid.

10. It has not been established in this case that the members of the ABG Plan are not employed in Ontario for the purposes of the *Act*.

11. A "pension plan" is defined in section 1 of the *Act* as a plan organized and administered to provide pensions for employees and sets out a list of plans that are exempted from the *Act*. Pension plans that are registered under the *Act* and also registered in foreign jurisdiction are not exempted from the *Act*. The fact that the ABG Plan is also registered in the U.S. does not exempt it from the provisions of the *Act*. As indicated above, the ABG plan has been registered under the *Act* since 1967 and all the relevant filings were done prior to April 1, 2000.

12. Section 80(4) or 81(4) of the *Act* provides that no transfer of assets shall be made from one pension fund to another pension fund without the prior consent of the Superintendent. Financial Services Commission of Ontario Policy A700-251 ("FSCO Policy") requires that a formal application be made for the Superintendent's consent. It also sets out the necessary documents, including an actuarial valuation report, that must be submitted in support of the application and stipulates the guidelines the Superintendent will follow in determining whether to consent to the transfers of assets from one pension fund to another.

13. No application was submitted on behalf of the ABG Plan for the Superintendent's consent for the transfer of assets from the ABG Plan to the USWA Staff Plan. The pension fund of the ABG Plan was therefore, transferred to the pension fund of the USWA Staff Plan without the consent of the Superintendent in contravention of section 81(4) of the *Act* and FSCO Policy A 700-251.

14. Under section 81(6) of the *Act* the Superintendent by order may require a transferee to return to the pension fund assets, with interest, transferred without the prior consent of the Superintendent. Since the assets were transferred from the ABG Plan to the USWA Staff Plan without the consent of the Superintendent, the Superintendent has the authority to order a return of the assets with interest to the ABG Plan fund.

15. Since April 1, 2000 no financial statements, actuarial reports, Pension Benefits Guarantee Fund assessment certificates, or annual information returns have been filed with FSCO in relation to the ABG Plan.

16. Under section 76(1) Regulation 909, RRO 1990 (the "Regulation"), a pension plan is required to file a financial statement for the pension fund no later than 6 months after the end of a plan's fiscal year. The ABG Plan has not filed financial statements for the following periods: April 1, 2000 to March, 31, 2001; April 1, 2001 to March, 31, 2002; April 1, 2002 to March, 31, 2003, April 1, 2003 to March, 31, 2004 and April 1, 2004 to March, 31, 2005 at the due dates as required by the Regulation.

17. Under section 20 of the *Act* and section 18(1) of the Regulation a pension plan is required to file an annual information return no later than 9 months after the end of a plan's fiscal year. The ABG Plan has not filed annual information for the following periods: April 1, 2000 to March, 31, 2001; April 1, 2001 to March, 31, 2002; April 1, 2002 to March, 31, 2003, April 1, 2003 to March, 31, 2004 and April 1, 2004 to March, 31, 2005 on the due dates as required by the Regulation.

18. Pursuant to section 18(7) of the Regulation an administrator is required to file, as an attachment to the annual information return, a Pension Benefits Guarantee Fund assessment certificate. The ABG Plan has not filed Pension Benefits Guarantee Fund certificates for the following periods: April 1, 2000 to March, 31, 2001; April 1, 2001 to March, 31, 2002; April 1, 2002 to March, 31, 2003, April 1, 2003 to March, 31, 2004 and April 1, 2004 to March, 31, 2005 on the due dates as required by the Regulation.

19. Under section 14(10) of the Regulation the administrator of a pension plan shall file an actuarial valuation report required under the Regulations within 9 months of the valuation date. No actuarial report has been filed in respect of the ABG Plan for the period April 1, 2000, to March 31, 2003 as required by the Regulation.

20. Therefore the Superintendent proposes to order the administrator of the ABG Plan to:

    1. file a report on the actuarial valuation in respect of the transfer of assets from the ABG Plan to the USWA Staff Plan within 90 days from the date of this proposal;

    ii. return the assets transferred from the ABG Plan to the USWA Staff Plan with interest pursuant to section 81(6) of the *Act* within 90 days from the date of this proposal; and

    iii. file the Financial Statements, the Actuarial Report, Pension Benefit Fund assessment certificates and Annual Information Returns for the periods stipulated above, within 90 days form the date of this proposal.

21. Such further and other reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING before the Financial Services Tribunal (the "Tribunal") pursuant to subsection 89(6) of the *Act*. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.[1]

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
North York, Ontario
M2N 6L9

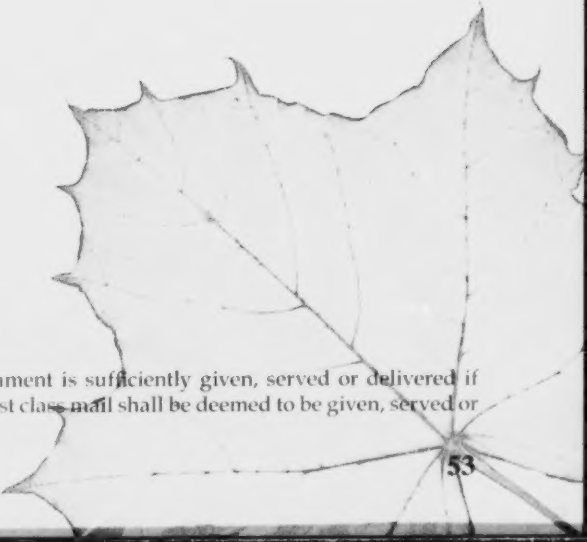
Attention: The Registrar

For further information, contact the Registrar of the Tribunal by phone at 416-226-7752, or toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY REFUSE TO CONSENT TO THE TRANSFER OF ASSETS AND I MAY REFUSE TO REGISTER THE AMENDMENT, AS PROPOSED IN THIS NOTICE OF PROPOSAL.

DATED at Toronto, Ontario, April 6, 2006.

K. David Gordon
Deputy Superintendent, Pensions



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IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c.P.8, as amended (the *"Act"*);

AND IN THE MATTER OF the Wind-Up Actuarial Valuation Report as at March 31, 2003 dated February 28, 2004 filed in respect of the **Participating Co-operatives of Ontario Trusteed Revised Pension Plan, Registration Number 0345736**, an Amendment to the Plan dated February 27, 2004 and effective March 31, 2003 and a Notice of Wind Up dated April 1, 2003 and effective March 31, 2003.

TO: **The Board of Trustees of the Participating Co-operatives of Ontario Trusteed Revised Pension Plan**
6790 Century Avenue, Suite 201
Mississauga, ON L5N 2V8

Attention: Michael Barrett
Chair, The Board of Trustees of the Participating Co-operatives of Ontario Trusteed Revised Pension Plan

Applicant and Administrator

AND TO: See Schedule "A" for list

Employers

NOTICE OF PROPOSAL TO REFUSE TO REGISTER AN AMENDMENT, NOTICE OF PROPOSAL TO MAKE THREE ORDERS NOTICE OF PROPOSAL TO REFUSE TO APPROVE A WIND UP REPORT NOTICE OF PROPOSAL TO ORDER A NEW WIND UP REPORT

I PROPOSE TO:

(a) **REFUSE TO REGISTER AN AMENDMENT** to the Participating Co-operatives of Ontario Trusteed Revised Pension Plan, Registration Number 0345736 (the "Plan") dated February 27, 2004 and effective March 31, 2003 (the "Amendment") to the extent that the Amendment reduces benefits accumulated prior to March 31, 2003, pursuant to section 18(1)(d) of the *Act*;

(b) **ORDER** that the Board of Trustees of the Participating Co-operatives of Ontario Trusteed Revised Pension Plan (the "Trustees") refrain from administering the Plan in accordance with the Amendment to the extent that the Amendment reduces benefits accumulated prior to March 31, 2003;

(c) **ORDER**, pursuant to sections 75 and 87 of the *Act* that the employers participating in the Plan (the "Employers") pay, in the prescribed manner and at the prescribed times, into the fund for the Plan (the "Fund"), such amounts so that the total of the amounts contributed by all Employers on a joint and several basis equals the sum of:

   (1) the total of all payments that under the *Act*, Regulations and the Plan are due or that have accrued and that have not been paid into the Fund; AND

   (2) the amount by which:

      (i) the value of the pension benefits accrued and vested under the Plan, and

(ii) the value of benefits accrued resulting from the application of section 39 (3) (50 per cent rule) and section 74 of the Act,

exceed the value of the assets of the Fund;

(d) **ORDER**, under section 87 of the *Act*, that, consequent upon a finding that the Employers are required to contribute to the Plan under section 75 of the *Act*, the Trustees refrain from reducing pension payments to retired members (or their surviving spouses, if applicable) due on and after April 1, 2003, and refrain from reducing pension payments to new retired members due on and after April 1, 2003 and that such reductions implemented thus far be reversed by refunding the difference between the full benefit entitlement under the Plan and the reduced amounts actually paid with interest;

(e) **REFUSE TO APPROVE A WIND UP REPORT** filed by the Trustees and dated February 28, 2004 with respect to a full wind up of the Plan effective March 31, 2003, pursuant to section 70(5) of the *Act*; and

(f) **ORDER**, under section 88 of the *Act*, that the Trustees prepare and file a new wind up report that addresses the defects set out in this proposal and, specifically, contains:

i. a statement of benefits to be provided under the pension plan to members, former members and other persons without regard to the reductions contemplated in the Amendment and Notice;

ii. a distribution scheme for the assets of the Plan without regard to the benefit reductions set out in the Amendment and Notice; and

iii. provision for the fact that the Employers are required to make additional contributions under the *Act*.

I PROPOSE TO MAKE THESE REFUSALS AND ORDERS FOR THE FOLLOWING REASONS:

1. The Plan is a multi-employer pension plan ("MEPP") registered under the *Act*, which is administered by the Trustees and provides benefits with respect to employment in Ontario.

2. The Trustees were of the view that the Plan was no longer financially viable and therefore adopted the Amendment on February 27, 2004 terminating the Plan effective March 31, 2003.

3. The Amendment also contains certain decreases to benefits accumulated prior to the effective date of the Amendment.

4. There are insufficient assets in the Plan to pay the pension benefits and other benefits set out in the Plan both before and after the benefit decreases set out in the Amendment. No Employer is currently making payments in accordance with section 75 of the *Act* in order to reduce or eliminate the unfunded liability as at March 31, 2003.

5. On or about February 28, 2004, the

Trustees filed a Wind-Up Actuarial Valuation as at March 31, 2003 (the "Report") which reflects, in part, the decreases to benefits accumulated prior to the effective date of the Amendment and the fact that the Trustees anticipate that no payments will be made under section 75 of the *Act*.

(a) REFUSAL TO REGISTER AMENDMENT

6. However, from the inception of the Plan, the Plan text prohibited amendments to the Plan that reduced benefits accumulated prior to the date of the amendment. In the current Plan text, section 17(a) states that "[s]ubject to subsection (e) no amendment or discontinuance of the Plan shall reduce the benefits accumulated prior to such amendment or discontinuance ...".

7. Section 17(e) of the Plan text does permit the reduction of benefits previously accumulated but only in the situation where there is a cessation of the participation of a single Employer and the reductions are to benefits of the members employed by the departing Employer. Section 17(e) does not relate to the discontinuance of the whole Plan which is expressly covered by the prohibition against the reduction of accumulated benefits set out in section 17(a). The current situation is a full wind up of the Plan and is a discontinuance within the meaning of section 17(a) rather than the departure of a single Employer that would be covered by section 17(e).

8. The Amendment reduces benefits accumulated prior to the effective date of the Amendment. Therefore, the Amendment, to the extent that it reduces accumulated benefits, is invalid and of no force because it does not fall within the scope of the amendment power in the Plan text.

9. Section 14(2) of the *Act* exempts MEPPs established pursuant to a collective agreement or a trust agreement from the prohibition against the reductions in accrued benefits set out in section 14(1) of the *Act*. Section 19(3) of the *Act* requires that the administrator administer the Plan in accordance with the filed Plan documents. Section 5 of the *Act* states that the *Act* "shall not be construed to prevent the registration or administration of a pension plan and related pension fund that might provide pension benefits or ancillary benefits more advantageous to members than those required by" the *Act* and regulations. Accordingly, section 14(2) of the *Act* does not have application to the current circumstances because the Plan documents provide a more advantageous regime respecting Plan amendments than the *Act*.

10. Section 18(1)(d) of the *Act* states that the Superintendent may refuse to register an amendment to a pension plan "if the pension plan with the amendment would cease to comply with" the *Act* and Regulation 909, R.R.O. 1990 (the "Regulation"). The Plan with the Amendment, to the extent that the Amendment reduces benefits accumulated prior to the effective date of the Amendment, contravenes the terms of the Plan and is, therefore, contrary to the *Act* and Regulation by virtue of section

19(3) of the *Act*. The Superintendent therefore proposes to refuse to register the Amendment to the extent that the Amendment reduces benefits accumulated prior to its effective date (March 31, 2003).

(b) ORDER TO REFRAIN FROM ADMINISTERING THE PLAN IN ACCORDANCE WITH AMENDMENT

11. Section 87 of the *Act* authorizes the Superintendent by order to require that an administrator "take or refrain from taking any action in respect of a pension plan or a pension fund" if the Superintendent is of the opinion, upon reasonable and probable grounds, that a pension plan is not being administered in accordance with the *Act*, the Regulation or the pension plan.

12. For the reasons set out above, the Amendment, to the extent that it reduces accumulated benefits, is invalid and unenforceable. Therefore, the Plan is not being administered in accordance with the valid and enforceable terms of the Plan text (as required by section 19(3) of the *Act*) to the extent that the Trustees have implemented the accumulated benefit reductions contained in the Amendment. The Superintendent, therefore, proposes to order under section 87 of the *Act* that the Trustees refrain from administering the Plan in accordance with the Amendment to the extent that the Amendment reduces benefits accumulated prior to March 31, 2003.

(c) ORDER TO MAKE PAYMENTS UNDER SECTION 75

13. Section 75 of the *Act* states:

> 75. (1) Where a pension plan is wound up in whole or in part, the employer shall pay into the pension fund,
>
> (a) an amount equal to the total of all payments that, under this Act, the regulations and the pension plan, are due or that have accrued and that have not been paid into the pension fund; and
>
> (b) an amount equal to the amount by which,
>
> (i) the value of the pension benefits under the pension plan that would be guaranteed by the Guarantee Fund under this Act and the regulations if the Superintendent declares that the Guarantee Fund applies to the pension plan,
>
> (ii) the value of the pension benefits accrued with respect to employment in Ontario vested under the pension plan, and
>
> (iii) the value of benefits accrued with respect to employment in Ontario resulting from the application of subsection 39 (3) (50 per cent rule) and section 74, exceed the value of the assets of the pension fund allocated as prescribed for payment of pension benefits accrued with respect to employment in Ontario.

14. Thus employers participating in a pension plan, which is a MEPP, are required under section 75 of the *Act* to pay into a pension plan that is to be wound up amounts that are due or have accrued and that have not been paid into the pension plan in addition to those amounts by which the liabilities for vested accrued benefits under the plan and under sections 39(3) and 74 of the *Act* exceed the assets in the pension plan.

15. While section 5 of the *Act* states that the *Act* "shall not be construed to prevent the registration or administration of a pension plan and related pension fund that might provide pension benefits or ancillary benefits more advantageous to members than those required by" the *Act* and Regulation, section 19 makes it clear that where the terms of the Plan do not meet the minimum standards in the *Act* or Regulation the terms of the *Act* and Regulation govern. Consequently, the requirements of section 75 override any provisions to the contrary contained in the Plan text or the trust agreement for the Plan which may purport to limit the contribution obligations of the Employers.

16. In this case, owing to the fact that the Plan (for the reasons set out above) does not permit the reduction of accrued benefits, there is a liability that the Employers are required under section 75 of the *Act* to jointly make contributions to eliminate. Such payments are required to be made "in the prescribed manner and at the prescribed times" under section 75(2) of the *Act*. The Superintendent, therefore, proposes to order that the Employers make payments on a joint and several basis so that the amounts contributed by all the Employers add up to the amounts required under section 75 of the *Act*, in the prescribed manner and at the prescribed times.

(d) ORDER TO ADMINISTER THE PLAN WITHOUT REDUCING PENSION PAYMENTS TO RETIRED MEMBERS OR THEIR SURVIVING SPOUSES

17. On or about April 1, 2003, the Trustees gave Notice of Wind Up (the "Notice") to the members and former members of the Plan effective March 31, 2003. The Notice provided that "pension payments to retired members (or their surviving spouses, if applicable) due on and after April 1, 2003 will be reduced in accordance with the above estimated wind up funded ratio of 50%". The Notice also provided that "new retirements after the wind up date will also be reduced to reflect the estimated wind up funded ratio of 50%".

18. The reductions referred to in the Notice are in addition to the reductions set out in the Amendment, are not the subject of a separate amendment to the Plan and, even if they were, such a separate amendment would be invalid for the reasons set out above in section (a) of this Notice of Proposal.

19. Neither the *Act* nor Regulation permit the reductions contemplated in the Notice. Section 77 of the *Act* states that "where money in the pension fund is not sufficient to pay all the pension benefits and other benefits on the wind up of the pension plan in whole or in part, the pension benefits and other benefits shall be reduced in the prescribed manner."

20. Section 29(9) of the Regulation prescribes the manner in which benefits are to be reduced where the assets in a pension plan are not sufficient to pay the benefits in the pension plan. Where payments are being made in accordance with section 75 of the *Act*, section 29(9)(a) states that pension benefits may only be reduced in respect of persons who had not vested under the terms of the pension plan. The ability to reduce benefits of vested members and former members under section 29(9)(b) only applies if payments in accordance with section 75 are not being made.

21. In this case, for the reasons set out above, the Employers are required to make contributions under section 75 of the *Act*. Thus, there is no authority under the section 29(9)(b) of the Regulation or otherwise in the *Act* or Regulation to reduce pensions in pay as contemplated in the Notice.

22. For the reasons set out above, the reductions contemplated in the Notice do not comply with the *Act*, Regulation or the terms of the Plan.

23. Therefore, the Superintendent proposes to order under section 87 of the *Act*, that, consequent upon a finding that the Employers are required to contribute to the Plan under section 75 of the *Act*, the Trustees refrain from reducing pension payments to retired members (or their surviving spouses, if applicable) due on and after April 1, 2003, and refrain from reducing pension payments to new retired members due on and after April 1, 2003 which reductions are contemplated in the Notice and that such reductions already implemented be reversed by refunding the difference between the full benefit entitlement under the Plan and the reduced amounts actually paid with interest.

(e) REFUSAL TO APPROVE WIND UP REPORT

24. Section 70(5) of the *Act* states that the Superintendent may "refuse to approve a wind up report that does not meet the requirements of this *Act* and the regulations or that does not protect the interests of the members and former member of the pension plan." The Report does not meet the requirements of the *Act* and Regulation for the following reasons:

    (a) The Report does not comply with section 19(3) of the *Act* because administering the Plan, including the distribution of assets on wind up, in accordance with the invalid benefit reductions in the Amendment and Notice constitutes a contravention of the requirement to administer the Plan in accordance with the valid and enforceable filed Plan documents, contrary to section 19(3) of the *Act*; and

    (b) The Report does not comply with the *Act* because it is premised on the fact that the Employers on the effective date of the wind up are not required to make further contributions to the Plan under the *Act*. The Report, therefore, does not make provision for the distribution of the assets of the Plan as required by section 70(1) of the *Act* because it does not provide for the distribution of the contributions owing under section 75 of the *Act*.

25. The Report does not protect the interests of the members and former members because the distribution of assets in the Plan is based on the benefit reductions contained in the Amendment and the Notice which are not valid and does not reflect the fact that additional employer contributions are required under section 75 of the *Act*.

(f) ORDER TO FILE NEW REPORT

26. Under section 88 of the *Act*, the Superintendent by order may require an administrator to prepare a new report using "assumptions or methods or both" as the Superintendent specifies if the "assumptions or methods used in the preparation of a report required under this *Act* or the regulations in respect of a pension plan are inappropriate for a pension plan" or where the report "does not meet the requirements and qualifications of this *Act*, the regulations or the pension plan."

27. For the reasons set out herein, the Report does not meet the requirements and qualifications of the *Act*, the Regulation and the Plan and the assumptions and methods used in the preparation of the Report are inappropriate for the Plan. The Superintendent, therefore, proposes to order that the Trustees prepare and file a new wind up report which contains:

    i. a statement of benefits to be provided under the pension plan to members, former members and other persons without regard to the reductions contemplated in the Amendment and Notice;

    ii. a distribution scheme for the assets of the Plan without regard to the benefit reductions set out in the Amendment and Notice; and

    iii. provision for the fact that the Employers are required to make additional contributions under the Act.

28. The Superintendent has previously raised additional issues in correspondence with the actuary for the Plan and the Trustees concerning the contents of the Report which issues only arise if the Plan is not fully funded. Those issues relate to the:

    (a) computation of the refund of excess contributions made on or after January 1, 1987 owing under section 39(4) of the *Act*; and

    (b) computation of the balance of commuted value transfers for members who terminated employment after the point when the transfer ratio for the Plan fell below one and elected commuted value transfers under section 42(1) of the *Act*.

29. The Superintendent reserves the right to pursue these issues and seek consequent additional changes to the Report should this matter be the subject of a hearing before the Financial Service Tribunal (the "Tribunal") and should the Tribunal decide that the position regarding the requirement for the Employers to make additional contributions as set out in this Notice of Proposal is incorrect and, for this reason or any other reason, the Plan is not fully funded.

30. Such further and other reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to s. 89(6) of the *Act*. To request a hearing, you must deliver, to the Tribunal, a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.[1]

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY CARRY OUT THE REFUSALS AND MAKE THE ORDERS AS PROPOSED IN THIS NOTICE.

DATED at Toronto, Ontario, this 12th day of April, 2006.

K. David Gordon
Deputy Superintendent, Pensions

c.c. Mr. Joseph F. Nunes, Actuarial Solutions Inc.
Mr. Peter Gorham, Morneau Sobeco
Ms. Nancy Fletcher, Participating Co-operatives of Ontario
Mr. Kem Majid, Watson Wyatt
Mr. Michael Penny, Torys LLP
Mr. Michael Mazzuca, Koskie Minsky LLP
Mr. Andrew Lokan, Palaire Roland Rosenberg Rothstein LLP
Ms. Peggy A. McCallum, Fasken Martineau DuMoulin LLP
Ms. Dale Leake & Email Group
Mr. Lorne Reid
Mr. Eric Taylor
Mr. Tom Perkes
Mr. Roch Lalonde
Mr. Graham Lightfoot
Ms. Gertie Blake
Mr. Michel Bourgon
Mr. Brian Hancock
Ms. Miriam A. Preszler
Ms. Doreen Amos
Mr. Jon Lazarus

SCHEDULE "A"

1. Cochrane Farmers Co-op, att'n: Mr. Alphonse Genier, Mr. Paolo Belzile

2. Glencoe Country Depot, att'n: Mr. Darin Kulich

3. Gay Lea Foods Co-operative Limited, att'n: Mr. Stu Steckle, Mr. Andrew MacGillivray

4. Manitoulin Livestock Co-op, att'n: Mr. John McNaughton, Mr. Donald O'Connor

5. Madoc Co-operative/Warkworth Co-op, att'n: Mr. Murray Lobb, Mr. Harry Scanlan

6. Orford Co-operative Ltd., att'n: Ms.

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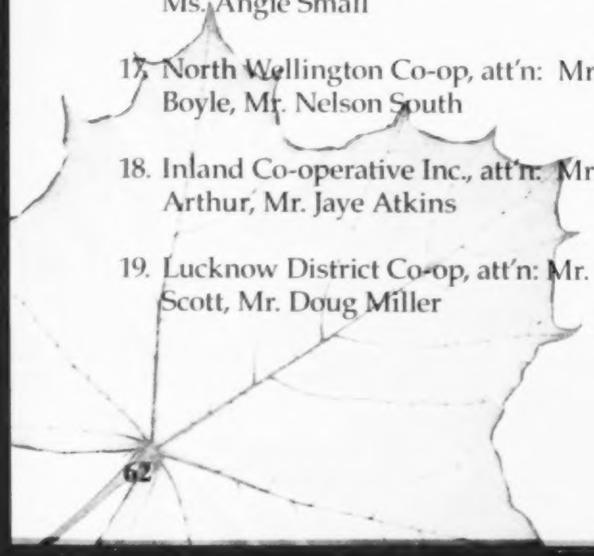
[1] Note - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

Linda Glassford, Mr. Kim Fysh, Mr. Jim Campbell

7. Pelee Island Co-op, att'n: Mr. Wilfred Botham, Mr. Ford Crawford,
8. Huron Bay Co-op, att'n: Mr. Jeff Hurst, Mr. Murray Vincent
9. Waterloo-Oxford Co-op, att'n: Mr. Murray Schnarr, Mr. Colin Smith
10. Sunderland District Co-op, att'n: Mr. Ted Smith, Mr. Clare Hayes
11. Ontario Federation of Agriculture, att'n: Mr. Ron Bonnett, Mr. Neil Currie
12. Warkworth District Co-op, att'n: Mr. David Glover
13. Kingston Farm & Garden, att'n: Mr. Bill Havekes
14. Green Lea Ag Centre Inc., att'n: Mr. Scott McLean, Mr. Al McLean,
15. Simcoe District Co-op, att'n: Mr. Glen Vanderhaeghe, Mr. Ken O'Brien
16. Country Depot, att'n: Mr. Harvi Wallace, Ms. Angie Small
17. North Wellington Co-op, att'n: Mr. Kelly Boyle, Mr. Nelson South
18. Inland Co-operative Inc., att'n: Mr. Bill Arthur, Mr. Jaye Atkins
19. Lucknow District Co-op, att'n: Mr. Al Scott, Mr. Doug Miller



IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **Retirement Plan for Salaried Employees of Indalex Limited and Associated Companies** (the Plan), Registration Number **0533646;**

TO: Wesley Ross
Indalex Limited
706 South State Street
Girard OH 44420
USA

NOTICE OF PROPOSAL

I PROPOSE TO MAKE AN ORDER under s. 78(4) of the *Act*, consenting to the payment, out of the Plan, to **Indalex Limited**, as at **October 18, 2005** in the amount of **$456,166** plus interest to the date of payment for the following reason and such further reasons that may come to my attention:

1. **Indalex Limited** is the employer as defined in the Plan.
2. As a result of **an administrative error on the part of Indalex Limited, the 2005 Contribution for the Retirement Plan for the Executive Employees of Indalex Limited and Associated Companies was deposited into the pension fund of the Plan.**
3. Evidence of the overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. The application appears to comply with section 78(4) of the *Act*.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to subsection 89(6) of the *Act* if, within thirty (30) days after this Notice of Proposal is served[1] on you, you deliver to the Tribunal a written notice that you require a hearing.

Your written notice requiring a hearing must be delivered to:

Financial Services Tribunal
14th Floor, 5160 Yonge Street
North York, ON M2N 6L9

Attention: The Registrar

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 27th day of April, 2006.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE—PURSUANT to section 112 of the *Act* any notice, order or other document is sufficiently given, served, or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served, or delivered on the seventh day after mailing.

IN THE MATTER OF the *Pension Benefits Act* R.S.O. 1990, c. P.8, as amended (the *"Act"*);

AND IN THE MATTER OF a Notice of Proposal issued by the Superintendent of Financial Services to the Administrator of the **Stelpipe Ltd. Retirement Plan for Salaried Employees, Registration No. 1017177**, under section 40(2) of the *Act*.

TO: **Stelco Inc.**
386 Wilcox Street
P.O. Box 2030
Hamilton, ON L8N 3T1
Attention: **Mr. Mario DeMarco**
Director, Compensation Services

AND TO: **Hicks Morley Hamilton StewartStorie LLP**
Toronto-Dominion Tower, 30th Floor
Box 371 T-D Centre
Toronto, Ontario M5K 1K8

Attention: **Ms. Rachel M. Arbour**
Attorneys at law for the Administrator of Stelpipe Ltd. Retirement Plan for Salaried Employees

AND TO: Mr. Frank Reid
18 Wychwood Road
Welland, Ontario L3C 5V3

NOTICE OF PROPOSALS

I PROPOSE TO:

1. **ORDER** that the administrator of Stelpipe Ltd. Retirement Plan for Salaried Employees Registration No. 1017177 (the "Stelpipe Plan") provide Mr. Frank Reid (the "Applicant") with the difference between the commuted value of his pension benefit which he received from the Stelpipe Plan on or about March 21, 2003 in the amount of $205,595.16, and the revised commuted value amount inclusive of early retirement subsidies of $337,093.26 together with interest from August 4, 2000, the date of termination of the Applicant's employment, to the date of payment pursuant to section 40(2) of the *Act*.

REASONS FOR THE PROPOSAL:

2. The Applicant's services were terminated by Stelpipe Ltd. ("the Employer") on August 4, 2000. At the time of the termination, the Applicant was 57 years old. The Applicant was a member of the Stelpipe Plan and was offered four options in relation to his pension benefits as a result of the termination of his employment: Option 1 - a deferred monthly benefit; Option 2 - transfer of the commuted value of his pension benefit to a locked-in retirement account; Option 3 - transfer of his benefits to a registered pension plan of a subsequent employer; and Option 4 - transfer of his benefits to an annuity issuer for the purchase of a life annuity. The Applicant elected Option 2.

3. The Applicant in his letter to the Employer dated October 27, 2000, enclosing the signed Election of Option Form also dated October 27, 2000, indicated that he was aware that his pension benefits exceeded that which was set out in the Option Form, however, that he was exercising the option in order to comply with a 60 day deadline stipulated by the Employer

to elect an option. The commuted value of the Applicant's deferred monthly pension was valued at $172,643.97 on the Option Form. The Applicant was concerned that if he failed to exercise one of the four options then he would have received, by default, a deferred monthly pension of approximately $2,093.67 per month.

4. The Applicant subsequently filed a complaint with the Ontario Human Rights Commission ("Human Rights Complaint"). The complaint was settled. The Minutes of Settlement dated June 28, 2002 ("Minutes of Settlement") and signed by the Applicant and the Employer, provided for the payment of the sum of $184,966.35 plus interest from June 30, 2001 to the date of the Minutes to be transferred to a financial institution designated by the Applicant and as permitted by law.

5. Under the terms of the Minutes of Settlement the sum of $205,595.16, inclusive of interest to the date of payment, was transferred from the Stelpipe Plan to a locked in retirement account designated by the Applicant on or about March 21, 2003.

6. The Financial Services Commission of Ontario ("FSCO") in a letter dated October 18, 2004 to Hicks Morley Hamilton Stewart Storie LLP ("Hicks Morley"), the counsel for the Employer, indicated that the Applicant was also eligible to receive subsidized early retirement benefits at the date of the termination of his employment under section 5 of the Stelpipe Plan as required by section 40(2) of the *Act*. FSCO requested that the Employer revise the commuted value calculation to include the early retirement subsidies and provide details of the calculations, including all actuarial assumptions used.

7. In response to FSCO's request, Hicks Morley, in their letter dated December 10, 2004 to FSCO, submitted that the Minutes of Settlement executed by both the Applicant and the Employer, in relation to the Human Rights Complaint, sets out the full entitlement of the Applicant. Under clause 1(e) of the Minutes of Settlement, the Applicant accepted as his entitlement to a pension benefit "the sum of $184,966.35, plus applicable interest from June 30, 2001 to the date of these Minutes, representing the transfer of his pension monies to a locked-in retirement account as per Mr. Reid's election dated October 27, 2000."

8. Hicks Morley also submitted that under clause 5 of the Minutes of Settlement, the Applicant released the Employer and its successors from any claims in respect of his pension benefits.

9. Hicks Morley, in an exhibit to their letter dated December 10, 2004, provided the commuted values of the Applicant's pension benefit with and without the bridge benefits. The Applicant's entitlement without the bridge benefit was calculated as $171,881.29 and the commuted value with the bridge benefit was calculated as $337,093.26 as of the date of termination of the Applicant's employment.

10. Hicks Morley submitted in their letter dated December 10, 2004, that under the terms of the Stelpipe Plan, an employee eligible for early retirement

is not eligible to receive a commuted value payment. Further, that the Applicant waived his right to early retirement treatment when he sought the Employer's agreement to pay him a commuted value instead of his pension.

11. Section 5 of the Stelpipe Plan provides for an early retirement pension for members who have attained age 55, or who have 30 years or more of credited service. Once a member satisfied this eligibility requirement, the member is entitled to receive an immediate pension payable in equal monthly installments in lieu of a deferred normal pension, together with a bridge benefit under section 5(b) of the Stelpipe Plan.

12. At the time the Applicant's services were terminated, he satisfied the eligibility requirement to exercise the early retirement option under section 5 of the Stelpipe Plan. The Applicant elected to receive the commuted value of his pension benefit; however, the value of the bridge benefit was not included in the calculation of the commuted value.

13. Section 40(2) of the *Act* provides that an ancillary benefit for which a member has met all the eligibility requirements under the pension plan necessary to exercise the right to receive payment of the benefit shall be included in calculating the member's pension benefit or commuted value of the pension benefit.

14. Since the Applicant had satisfied the eligibility requirements under the Stelpipe Plan for the receipt of the early retirement pension together with the bridge benefit, the value of the bridge benefit should have been included in the calculation of the commuted value of the Applicant's pension benefit.

15. Section 5 of the Stelpipe Plan is silent on members' entitlement to the commuted value of an early retirement pension. Instead the option to elect a commuted value is addressed under section 10(f) of the Stelpipe Plan. Under section 10(f) a deferred annuitant has the option to transfer the commuted value of his deferred annuity to a registered retirement savings account or life income fund as prescribed under the Act.

16. When the pension benefit options were offered to the Applicant in the "Election of Option on Termination from Employment" form, the Employer did not indicate under which provisions of the Stelpipe Plan or the *Act* it was offering these options. Nevertheless the Employer offered the Applicant the option to receive the commuted value of his pension benefit. The Applicant, with reservation, accepted this option and subsequently agreed to the receipt of the commuted value and interest as set out in the Minutes of Settlement.

17. Notwithstanding the fact that the Applicant entered into the Minutes of Settlement before the Human Rights Commission, the value of the Applicant's pension benefits was not calculated in accordance with his entitlement as required by section 40(2) of the *Act*. Specifically, the value of the Applicant's bridge benefits was not included in the calculation of his pension benefits as required by section 40(2) of the Act.

18. Section 40(2) of the *Act* sets out a minimum standard for the determination of a plan member's entitlement to a pension benefit or the commuted value of a pension benefit. A pension plan could provide a benefit in excess of the minimum standards; however, it cannot provide less than is required by the *Act*. No one can contract out of these minimum standards.

19. The value of the Applicant's pension benefits as set out in the Minutes of Settlement represents an amount that is less than the minimum standard provided under the *Act*. The Employer is therefore required to transfer to the Applicant's locked-in account the difference between the commuted value amount set out in the Minutes of Settlement and the amount of the commuted value of the Applicant's pension taking into account the early retirement subsidies as at the date of termination of the Applicant's employment.

20. Therefore, the Superintendent proposes to order the administrator of the Stelpipe Plan to pay the Applicant the difference between the amount of the pension benefit that was actually transferred on or about March 21, 2003 to the Applicant's locked-in account in the amount $205,595.16, and the revised commuted value (including the value of the bridge benefit) in the amount of $337,093.26 (which includes available service to September 29, 2000), together with interest from the date of termination of the Applicant's employment to the date of payment.

21. Such further and other reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING before the Financial Services Tribunal (the "Tribunal") pursuant to subsection 89(6) of the *Act*. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.[1]

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
North York, Ontario M2N 6L9

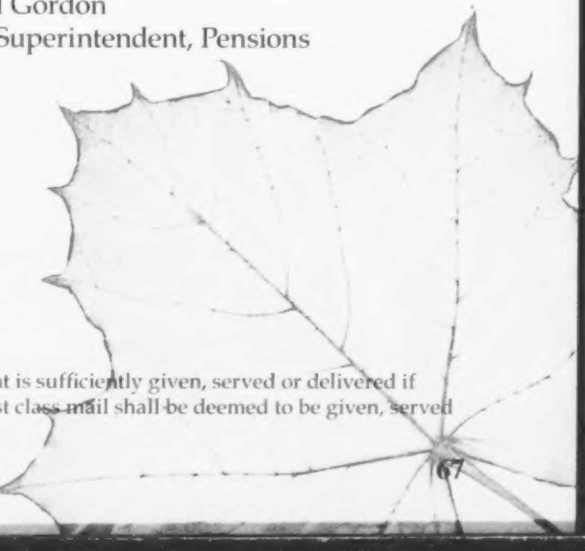
Attention: The Registrar

For further information, contact the Registrar of the Tribunal by phone at 416-226-7752, or toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, 8th May, 2006.

K. David Gordon
Deputy Superintendent, Pensions



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[1] PURSUANT TO section 112 of the *Act*, any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the day of mailing.

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Pension Plan for the Employees of First Place, Hamilton** (the Plan) Registration Number **1117217.**

TO:
Darlene Sundercock
Wind-up Specialist
London Life Financial
255 Dufferin Avenue
London, ON N6A 4K1

Administrator

AND TO:
Mary Tullo
Administrator
First Place, Hamilton
300-350 Hamilton East
Hamilton, ON L8N 3Y3

Employer

AND TO:
Karen Kimel
Mintz & Partners Limited
1 Concorde Gate, Suite 200
Toronto, ON M3C 4G4

Receiver

NOTICE OF PROPOSAL TO MAKE AN ORDER

I PROPOSE TO MAKE AN ORDER under section 69 of the *Act* that the Plan be wound up effective **November 30, 2005** for the following reasons and such further reasons that may come to my attention:

There was a cessation or suspension of employer contributions to the pension fund.

The employer failed to make contributions to the pension fund as required by this Act.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, Ontario M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 10th day of May, 2006.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *"Act"*);

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Make an Order under sections 33 and 87 of the *Act* in respect of the Retirement Plan for Full Time Retail Store Employees of The Great Atlantic & Pacific Company of Canada, Limited who are Members of Local 414 of Retail Wholesale Canada/CAW Division, Registration No. **900944**.

TO: **The Great Atlantic & Pacific Company of Canada, Limited**
P.O. Box 68 Station 'A'
Toronto, ON, M5W 1A6

Attention: Terry R. Howard
Vice President, Treasury, Tax, Retail Financial Planning & Analysis

Employer and Administrator of the Plan

AND TO: **Complainant**

NOTICE OF PROPOSAL

I PROPOSE TO MAKE

1. **AN ORDER** under sections 33 and 87 of the *Act* that the Administrator of the Retirement Plan for Full Time Retail Store Employees of The Great Atlantic & Pacific Company of Canada, Limited who are Members of Local 414 of Retail Wholesale Canada/CAW Division, Registration No. 900944 (the "Plan"):

   (a) Effective January 1, 1988, permit all current and former part time employees who are or were members of the bargaining unit represented by the Local 414 of Retail Wholesale Canada/CAW Division (the "CAW") or its predecessor bargaining agents and who were employed on or after January 1, 1988 to become members of the Plan upon 24 months of less than full-time continuous employment with The Great Atlantic & Pacific Company of Canada, Limited ("A&P"), with the lesser of:

      i. earnings of not less than 35% of the Year's Maximum Pensionable Earnings as defined in the *Act*; or

      ii. 700 hours employment with the employer,

   in each of two consecutive calendar years immediately prior to membership in the Plan; and

   (b) Provide to such current and former part time employees covered by paragraph (1)(a), within sixty (60) days from the date of this Order, and on an ongoing basis, pension benefits in accordance with the terms of the Plan determined on the basis that such part time employees were eligible for membership in accordance with paragraph (a), with interest in respect of any lump sum representing retroactive payments to such part time employees'calculated as prescribed in Regulation 909, R.R.O. 1990; or

2. **AN ORDER**, in the alternative to the order set out in paragraph 1, that A&P establish

effective January 1, 1988 and maintain a separate pension plan for current and former part time employees covered by paragraph (1)(a) with pension benefits and other benefits reasonably equivalent to those provided to full time employees under the Plan.

REASONS:

Background

1. The Plan is a single employer non-contributory defined benefit pension plan. A&P is both the employer and administrator of the Plan. At all material times, the Plan has been subject to collective bargaining between the CAW or its predecessor bargaining agents (the "Union") and A&P.

2. The Plan (then called The Great Atlantic & Pacific Company of Canada, Limited Retirement Plan for Full-Time Retail Store Employees Who Are Members of Local 414 or the Northern Joint Council of the Retail, Wholesale and Department Store Union) was established effective January 1, 1987 and is a successor to the Retirement Income Plan for Union Employees of New Dominion Stores, Inc. Only employees of A&P who were employed on a full time basis and were members of Locals 414, 429, 545, 579, 582 or 915 of the Retail, Wholesale and Department Store Union (a predecessor union to the CAW) were eligible to become members of the Plan.

3. The name and text of the Plan were amended effective August 1, 1995 to reflect the fact that the Retail, Wholesale and Department Store Union, Local 414 affiliated with the United Steelworkers of America to become the Retail Wholesale Canada, Canadian Service Sector Division of the United Steelworkers of America, Local 414. The name and text of the Plan were further amended effective January 1, 2000 to reflect the fact that the CAW became the union under the terms of the Plan.

4. From the inception of the Plan in 1987 until 2002, the Plan expressly limited membership to full time employees of A&P who were represented by the Union ("full time employees"). This limitation was consistent with the terms of the applicable collective agreement as negotiated between A&P and the Union.

5. Pursuant to the terms of the collective agreement ratified by the members of the Union on January 13, 2002 (the "2002 Agreement"), pension benefits were to be provided to part-time employees represented by the Union ("part time employees") effective March 1, 2002 in respect of employment on and after March 1, 2002 by the inclusion of part-time employees as a class of employees entitled to certain identified benefits under the Plan.

6. To date, A&P has not filed amendments to the Plan associated with the 2002 Agreement nor has A&P responded to requests from Financial Services Commission of Ontario ("FSCO") staff for information as to the benefits offered to part time employees and whether or not such benefits are "reasonably equivalent" to benefits provided to full time employees as required by section 34 of the *Act*.

The *Act*

7. Section 31(1) of the *Act* states that "[e]very employee of a class of employees for whom a pension plan is established is eligible to be a member of the pension plan."

8. Section 31(2) provides that a full time employee "is entitled to become a member of the pension plan upon application at any time after completing twenty-four months of continuous full-time employment." Section 31(3) sets out the analogous tenure requirement for part time employees stating that,

> A pension plan may require not more than twenty-four months of less than full-time continuous employment with the employer, with the lesser of,
>
> (a) earnings of not less than 35% of the Year's Maximum Pensionable Earnings; or
>
> (b) 700 hours employment with the employer,
>
> in each of two consecutive calendar years immediately prior to membership in the pension plan, or such equivalent basis as is approved by the Superintendent, as a condition precedent to membership in the pension plan.

9. Section 32 of the *Act* states that "[a] member of a pension plan who is employed continuously on a less than a full time basis does not cease to be a member by reason only that he or she has" dropped below the earnings or hours thresholds set out in section 31(3) of the *Act*.

10. Under section 33 of the *Act*, the Superintendent may require by order that the administrator of a pension plan accept an "employee as a member" of the pension plan where "on the basis of the nature of the employment or of the terms of the employment of the employee, the employee is a member of the class" for whom the pension plan is established or maintained.

11. Section 34 of the *Act* states that "[a]n employer may establish or maintain a separate pension plan for employees employed in less than full-time continuous employment if the separate pension plan provides pension benefits and other benefits reasonably equivalent to those provided under the pension plan maintained by the employer for employees of the same class employed in full-time continuous employment."

12. Sections 31 to 34 of the *Act* came into force effective January 1, 1988. These sections constitute a statutory scheme whereby part time employees are entitled to membership in a pension plan (or membership in a plan which has reasonably equivalent benefits) regardless of their part time status provided that "on the basis of the nature of the employment or of the terms of the employment of the employee, the employee is a member of the class" for whom the pension plan is established or maintained.

Plan Prior to 2002

13. Prior to 2002, the denial of Plan membership to part time employees only because of their part time status is a contravention of sections 31 to 34 of the *Act*.

14. A&P has not demonstrated that the nature and terms of employment for part time employees are distinct from the nature and terms of the employment for full time employees as is required to support a finding that part time employees are members of separate class within the meaning of the *Act*. Differences between the two groups arising out of general demographic characteristics do not give rise to such a class distinction because such differences are not differences in the nature and terms of employment and do not necessarily apply to every member of the group in question. To the extent that the full time and part time employees may exhibit some differences in the general distribution of job duties across each group, these differences do not apply in respect of full and part time groups as a whole and are not the result of distinct characteristics of the part time jobs.

15. The fact that the Union, as a matter of collective bargaining, agreed to the exclusion of part time members from Plan membership does not alter the conclusion that the *Act* has been contravened. Section 19(1) of the Act requires that the administrator of a pension plan administer a pension plan and fund in accordance with the *Act* and regulations and section 19(4) so requires even if the documents for the Plan set out terms that conflict with the minimum requirements of the *Act* and regulations. For the reasons set out above, the exclusion of part time employees does not meet the requirements of the *Act* and the agreement of the Union to such non-compliant Plan provisions does not alter this conclusion.

2002 Agreement

16. A&P has raised the fact of the 2002 Agreement in its submissions to the Superintendent. FSCO staff have not been provided with the text of the amendments to the Plan associated with the 2002 Agreement nor have FSCO staff been provided with any other information from A&P that would permit FSCO staff to conclude that the benefits extended to part time employees in the 2002 Agreement are "reasonably equivalent" to the benefits provided to full time employees under the Plan as is required by section 34 of the *Act*. Accordingly, the Superintendent is unable to conclude that the 2002 Agreement meets the requirements of the *Act*.

17. In addition, the 2002 Agreement would not be sufficient to bring the Plan into compliance with the *Act* (even assuming that it did contain reasonably equivalent benefits for part time employees) because the 2002 Agreement does not apply prior to 2002 despite the fact that the provisions of the *Act* granting entitlement to pension plan membership to part time employees came into force in 1988.

Proposed Order

18. Section 87 of the *Act* authorizes the Superintendent by order to require that an administrator "take or refrain from taking any action in respect of a pension plan or a pension fund" if the Superintendent is of the opinion, upon reasonable and probable grounds, that a pension plan is not being administered in accordance with the *Act*, the regulations or the pension plan or if the pension plan does not comply with the *Act* and the regulations.

19. As set out above, the Plan does not comply with the *Act* because under the terms of the Plan, part time employees are not entitled to membership in the Plan. The Plan is not being administered in accordance with the *Act* because the Plan is being administered so as not to extend membership to part time employees although the *Act* so requires. Accordingly, the Superintendent proposes to order that A&P take measures to comply with sections 31 to 34 of the *Act* by extending membership eligibility to part time employees effective the date that sections 31 to 34 of the *Act* came into force, January 1, 1988, in accordance with the terms of paragraph 1 of the proposed order set out above.

20. In doing so, A&P is required to recognize the fact that the entitlement of part time employees to Plan membership dates from January 1, 1988. Current and former part time employees may have already become entitled to benefits under the Plan and A&P is required to pay any pension benefits accordingly. Any lump sum amounts payable in respect of pension benefits not paid to date should be paid with interest calculated in accordance with the rate and method applicable to lump sum payments from a pension plan set out in section 24(11) of Regulation 909, R.R.O. 1990.

21. In the alternative to the extension of membership in the Plan to part time employees as set out in paragraph 1 of the proposed order, the Superintendent proposes to order that A&P establish a plan for part time employees effective January 1, 1988 that contains benefits that are reasonably equivalent to the benefits provided in the Plan to full time employees.

22. Such further and other reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING before the Financial Services Tribunal (the "Tribunal") pursuant to subsection 89(6) of the *Act*. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing, within thirty (30) days after this Notice of Proposal is served on you.[1]

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, Ontario M2N 6L9

Attention: The Registrar

For further information, contact the Registrar of the Tribunal by phone at 416-226-7752, or toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY CARRY OUT THE PROPOSAL AS DESCRIBED IN THIS NOTICE.

DATED at Toronto, Ontario, May 12, 2006.

K. David Gordon
Deputy Superintendent, Pensions

CC: D.Vincent, Ogilvy Renault LLP
H. O'Reilly, Cavalluzzo Hayes Shilton McIntyre & Cornish

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[1] PURSUANT TO section 112 of the *Act*, any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the day of mailing.

Notices of Proposal to Make a Declaration

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make a Declaration under section 83 of the *Act*, respecting the **Pension Plan for Slater Stainless Corp. Members of the National Automobile, Aerospace, Transportation and General Workers Union** (the Plan) Registration Number **0561456.**

TO:
David Kearney
Principal
Morneau Sobeco Limited
Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Paul Davis
Vice President, Administration
Slater Stainless Corp.
Markborough Place
6711 Mississauga Road, Ste. 202
Mississauga, ON L5N 2W3

Employer

AND TO:
Jeff Rosenberg
PricewaterhouseCoopers Inc.
145 King Street West
Toronto, ON M5H 1V8

Receiver

AND TO:
Sym Gill
National representative
Caw Canada
250 Placer Court
Toronto ON M2H 3M9

Union Representative

NOTICE OF PROPOSAL TO MAKE A DECLARATION

I PROPOSE TO MAKE A DECLARATION under section 83 of the *Act* that the Pension Benefits Guarantee Fund applies to the Plan for the following reasons and such further reasons that may come to my attention:

1. The Plan is registered under the *Act*, and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund by the *Act* or the regulations made thereunder, and
3. The plan was wound up effective May 5, 2004 and
4. There are reasonable and probable grounds that the funding requirements of the *Act* and Regulations cannot be satisfied. The administrator has estimated the deficit in the plan as at January 1, 2002 to be **$15,625,000**. If funds become available from the estate of the employer, the administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the Act, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

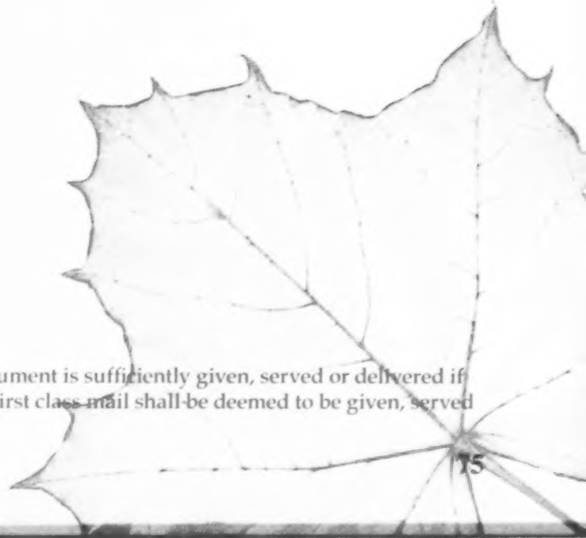
Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 5th day of January, 2006.

K. David Gordon
Deputy Superintendent, Pensions



[1] NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make a Declaration under section 83 of the *Act*, respecting the **Pension Plan for Hourly Employees of Chun King Canada Inc.** (the "Plan") Registration Number **0597450.**

TO:
Debbie Gallagher
Consultant
Morneau Sobeco Limited Partnership
895 Don Millls Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Pension Plan Administrator
Chun King of Canada Inc.
1019 Elliot Street West
Windsor, ON N9A 5Z8

Employer

AND TO:
Ron Milkins
United Food and Commercial Workers Union Local 459
261 Erie Street
Leamington, ON N8H 3C4

Union Representative

NOTICE OF PROPOSAL TO MAKE A DECLARATION

I PROPOSE TO MAKE A DECLARATION under section 83 of the *Act* that the Pension Benefits Guarantee Fund applies to the Plan for the following reasons and such further reasons that may come to my attention:

1. The Plan is registered under the *Act*, and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund by the *Act* or the regulations made thereunder, and
3. The plan was wound up effective **December 1, 1991**, and
4. There are reasonable and probable grounds that the funding requirements of the *Act* and regulations cannot be satisfied. The administrator has estimated the deficit in the plan at the wind up date to be **$209,000**. Based on the latest actuarial certification, there is an estimated claim against the Pension Benefits Guarantee Fund of **$550,000**. as at February 1, 2006. If funds become available from the estate of the employer, the administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street, 14th Floor
Toronto, Ontario
M2N 6L9

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[1] NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 24th day of March, 2006.

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *"Act"*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make a Declaration under section 83 of the *Act*, respecting the **Pension Plan for Salaried Employees of Ivaco Inc. and Participating Subsidiary Companies** (the "Plan") Registration Number **0410357.**

TO: Andre Cromp
President of the Pension Committee
Ivaco Inc.
770, rue
Sherbrooke Ouest, 20e etage
Montreal, Quebec H3A 1G1

Administrator

AND TO: Andre Cromp
Ivaco Inc.
770, rue
Sherbrooke Ouest, 20e etage
Montreal, Quebec H3A 1G1
Employer

AND TO: Jeff Kerber
Ernst & Young
Ernst & Young Tower
222 Bay Street, P.O. Box 251
Toronto, ON M5K 1J7

Court Appointed Monitor

NOTICE OF PROPOSAL TO MAKE A DECLARATION

I PROPOSE TO MAKE A DECLARATION under section 83 of the *Act* that the Pension Benefits Guarantee Fund applies to the Plan for the following reasons and such further reasons that may come to my attention:

1. The Plan is registered under Quebec's Supplemental Pension Plans Act, a designated province stipulated under section 1 of the *Act*,
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund by the Act or the regulations made thereunder, and
3. The plan was wound up effective **December 1, 2004**, and
4. There are reasonable and probable grounds that the funding requirements of the Act and regulations cannot be satisfied. The administrator has estimated the deficit in the plan at the wind up date to be **$52,666,000**. Based on the latest actuarial certification, there is an estimated claim against the Pension Benefits Guarantee Fund of **$10,002,000.** If funds become available from the estate of the employer, the administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

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[1] NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

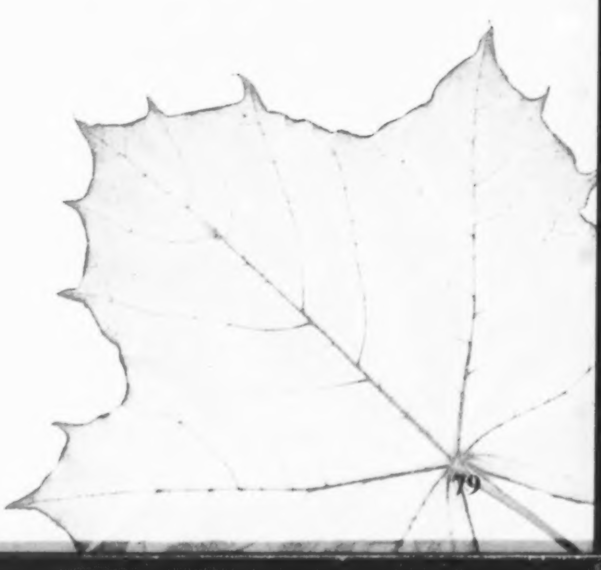
Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 27th day of March, 2006.

K. David Gordon
Deputy Superintendent, Pensions



IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make a Declaration under section 83 of the *Act*, respecting the **LaGran Canada Inc. Retirement Plan for Salaried Employees** (the Plan), Registration Number **690685**.

TO:

Carol St-Onge
President of the Pension Committee
c/o Produits Belt-Tech inc.
386 rue Dorchester
Granby, QC J2G 3Z7

Plan Administrator

AND TO:

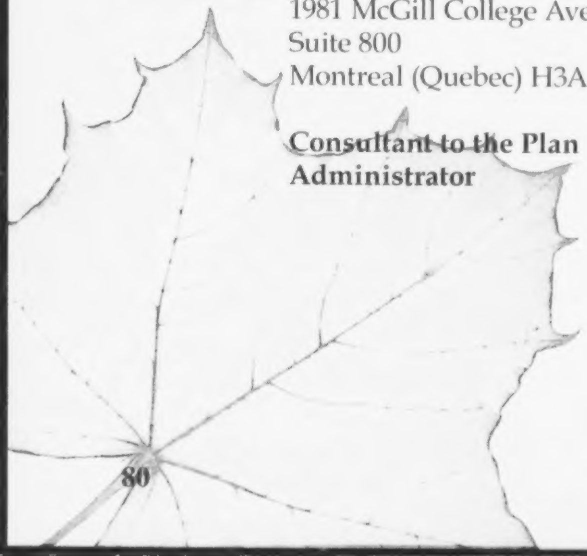
Carol St-Onge
Human Resources Director
LaGran Canada Inc.
386 rue Dorchester
Granby, QC J2G 3Z7

Employer

AND TO:

Joel Lepine, FSA, FCIA
Mercer Human Resource
Consulting
1981 McGill College Avenue
Suite 800
Montreal (Quebec) H3A 3T5

Consultant to the Plan Administrator



AND TO:

Andre Giroux, CA, CIRP
Andre Giroux Inc.
215, rue St-Jacques Ouest
Bureau 1100
Montreal (Quebec) H2Y 1M6

Trustee in Bankruptcy

NOTICE OF PROPOSAL TO MAKE A DECLARATION

I PROPOSE TO MAKE A DECLARATION under section 83 of the *Act* that the Pension Benefits Guarantee Fund applies to the Plan for the following reasons and such further reasons that may come to my attention:

1. The Plan is registered under Quebec's Supplemental Pension Plans Act, a designated province stipulated under section 1 of the Act, and
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund by the Act or the regulations made thereunder, and
3. The plan was wound up effective **March 10, 2005**, and
4. There are reasonable and probable grounds that the funding requirements of the Act and regulations cannot be satisfied. Based on the latest actuarial certification, there is an estimated claim against the Pension Benefits Guarantee Fund of **$127,200**. If funds become available from the estate of the employer, the Plan administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the Tribunal) pursuant to section 89(6) of the *Act*, if, within thirty (30) days after the Notice of Proposal is served on you, you deliver to the Tribunal a written notice that you require a hearing[1]. Any notice requiring a hearing shall be delivered to the:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

Attention: The Registrar

FOR FURTHER INFORMATION, contact the Registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU DO NOT DELIVER TO THE TRIBUNAL, WITHIN THIRTY (30) DAYS FROM THE DATE THIS NOTICE OF PROPOSAL IS SERVED ON YOU, A WRITTEN NOTICE THAT YOU REQUIRE A HEARING, I MAY MAKE THE ORDER PROPOSED HEREIN.

DATED at Toronto, Ontario, this 25th day of April, 2006.

K. David Gordon
Deputy Superintendent, Pensions

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[1] NOTE - Pursuant to section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

Notices of Proposal to Refuse to Consent to an Application

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *"Act"*);

AND IN THE MATTER OF an Application under section 78(4) of the *Act* submitted by Ricoh Canada in respect of the **NRG Inc. Retirement Income Plan, Registration Number 0253682** (the "Plan").

TO: **Ricoh Canada**
Yonge Corporate Centre
4100 Yonge Street, Suite 600
Toronto, Ontario M2P 2B5

Attention: Jane Padwick
Director, Human Resources

Applicant, Employer and Administrator of the Plan

NOTICE OF PROPOSAL

I PROPOSE TO REFUSE TO CONSENT to the application dated July 13, 2001, under section 78(4) of the *Act* by Ricoh Canada (the "Applicant") for payment of $231,472 as of December 31, 2000, plus investment earnings thereon to the date of payment out of the pension fund for the Plan.

REASONS FOR THE REFUSAL:

1. The Applicant submitted an application dated July 13, 2001 (the "Application"), pursuant to section 78(4) of the *Act*, for the Superintendent's consent to a payment of $231, 472 as of December 31, 2000, plus investment earnings thereon to the date of payment, out of the fund for the Plan. The Applicant claims that this is the amount of an overpayment by the Applicant into the pension fund for the Plan made on February 9, 1999.

2. The Plan is a defined benefit pension plan. The Plan was fully wound up with an effective wind up date of February 28, 1996 (the "Wind up Date"). The Wind Up Report disclosed a surplus of $313,000 as of the Wind up Date.

3. The Superintendent of Financial Services (the "Superintendent") approved the Wind Up Report on July 21, 1997 and directed the Applicant to proceed with the distribution of benefits in accordance with the Wind Up Report.

4. The Application states that due to delays in receiving approvals from Revenue Canada, settlements of benefits were delayed until middle of 1998. Further, due to a decrease in annuity purchase rates after the Wind up Date, an updated financial position was prepared and filed with FSCO in a supplementary actuarial opinion as of October 1, 1998 ("Supplementary Report"). This Supplementary Report showed a deficit of $765,000. The Applicant made a lump payment of $765,000 to the pension fund of the Plan on February 9, 1999 to fund the deficit and the remaining members' benefits were fully settled

5. The Applicant states that due to increases in annuity purchase rates between October 1, 1998 and the date of the annuity purchases, there was a financial gain to the Plan resulting in excess assets in the Plan of $231,472 as of December 31, 2000 (the "excess assets").

6. Section 1 of the *Act* defines surplus as the "excess of the value of the assets of a pension fund related to a pension plan over the value of the liabilities under the pension plan, both calculated in the prescribed manner." The excess assets are assets of the pension fund for the Plan left over after all the liabilities under the Plan have been satisfied and, therefore, the excess assets are surplus within the meaning of section 1 of the *Act* and, as such, the Superintendent can only consent to the payment of money that is surplus to the employer if the requirements of section 79 of the *Act* have been met.

7. Section 78(4) of the *Act* provides that the Superintendent may consent to payment out of a pension fund to an employer of an amount not in excess of the amount of an overpayment by the employer into the pension fund or of an amount paid by the employer that should have been paid out of the pension fund, but shall not consent unless the application is made in the same fiscal year of the pension fund as the fiscal year in which the overpayment or the payment occurred.

8. The excess assets do not result from any of the circumstances listed in the Financial Services Commission of Ontario's ("FSCO's"), policy entitled "Application for Refund of Employer Overpayment" (Index No. R350-102), in which an employer may be considered to have over-contributed to a pension fund for the purposes of section 78(4) of the *Act*. Specifically, the excess assets do not result from contributions made on the basis of an actuarial report for which the effective date has passed but when the new report was filed, such contributions exceeded those required by the new report. Nor do the excess assets result from payments made directly by the employer when those payments should have been made from the pension fund. Lastly, the excess assets do not result from contributions paid into the pension fund of the wrong pension plan as a result of an administrative error.

9. Section 75(1)(b)(ii) of the *Act* requires that where a pension plan is wound up, the employer pay into the pension fund an amount equal to the amount by which, the value of the pension benefits accrued with respect to employment in Ontario exceed the value of the assets of the pension fund allocated as prescribed for payment of pension benefits accrued with respect to employment in Ontario. Section 32(1) of the Regulation states that "[u]ntil the employer's liability under section 75 of the *Act* is funded, the administrator of the Plan shall annually cause the Plan to be reviewed and a report to be prepared by a person authorized by section 15 and shall file the report within six months after the valuation date of the report." Section 32(4) of the Regulation states:

   > Where a report made under this section shows that there is no further amount to be funded, any surplus may revert to the employer, subject to the requirements of section 79 of the *Act*

10. The Applicant claims that the payment into the Plan was not made pursuant to the annual valuation report prepared in accordance with section 32(1) of the Regulation and since the Plan was in surplus on wind up, section 75 of the *Act*

did not apply. As a result, the Applicant claims that section 32(4) of the Regulations is not applicable in the circumstances.

12. Regardless of whether or not amounts paid into a pension fund resulting in an excess are paid in pursuant to a report filed under section 32 of the Regulations or otherwise, the assets in the pension fund of the Plan left over after the payment of all benefit entitlements is surplus and may only revert to the employer if the requirements of section 79 of the *Act* have been met. The Applicant has not provided any evidence that the requirements of section 79 have been met. Therefore, the Superintendent cannot consent to the withdrawal of any surplus funds by the Applicant.

13. Such further reasons as may come to my attention.

YOU ARE ENTITLED TO A HEARING by the Financial Services Tribunal (the "Tribunal") pursuant to section 89(6) of the Act. To request a hearing, you must deliver to the Tribunal a written notice that you require a hearing[1], within thirty (30) days after this Notice of Proposal is served on you.[2]

YOUR WRITTEN NOTICE must be delivered to:

Financial Services Tribunal
5160 Yonge Street
14th Floor
Toronto, Ontario
M2N 6L9

Attention: The Registrar

For further information, contact the registrar of the Tribunal by phone at 416-226-7752, toll free at 1-800-668-0128, ext. 7752, or by fax at 416-226-7750.

IF YOU FAIL TO REQUEST A HEARING WITHIN THIRTY (30) DAYS, I MAY MAKE THE ORDER PROPOSED IN THIS NOTICE.

DATED at Toronto, Ontario, this 13th day of May, 2006.

K. David Gordon
Deputy Superintendent, Pensions

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[1] Written notice should be provided using Form 1 - Request for Hearing as set out in the Tribunal's *Interim Rules of Practice and Procedure.*

[2] NOTE - PURSUANT TO section 112 of the *Act* any Notice, Order or other document is sufficiently given, served or delivered if delivered personally or sent by first class mail and any document sent by first class mail shall be deemed to be given, served or delivered on the seventh day after the date of mailing.

Orders that Pension Plans be Wound Up

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Retirement Plan for Employees of Repla Limited and Akna Industries Ltd.** (the Plan) Registration Number **0942862.**

TO:
Melissa Lambert
Plan Design Specialist
Manulife Financial
P.O. Box 396
Delivery Station KC6
Waterloo, ON N2J 4A9

Administrator

AND TO:
Anne Molgaard
Plan Administrator
Repla Limited
482 South Service Road East
Oakville, ON U0J 2X6

Employer

AND TO:
Christopher Porter
BDO Dunwoody Limited
33 City Centre Drive, Suite 680
Mississauga, ON L5B 2N5

Trustee in Bankruptcy

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective **January 15, 2005** for the following reasons:

> **The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act* (Canada).**

DATED at Toronto, Ontario, this 11th day of January, 2006.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Pension Plan for Slater Stainless Corp. Members of the National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW - Canada)** (the "Plan") Registration Number **0561456.**

TO:
David Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Paul Davis
Vice President
Slater Stainless Corp.
Markborough Place
6711 Mississauga Road, Ste. 202
Mississauga, ON L5N 2W3

Employer

AND TO:
Jeff Rosenberg
PricewaterhouseCoopers Inc.
145 King Street West
Toronto ON M5H 1V8

Receiver

AND TO:
Sym Gill
National Representative
CAW Canada
250 Placer Court
Toronto ON M2H 3M9

Union Representative

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective May 5, 2004 and include the class of members whose employment or membership terminated during the period of March 7, 2003 and May 5, 2004 for the following reasons:

> **There is a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer fails to make contributions to the pension fund as required by this Act.**
>
> **A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.**
>
> **All or a significant portion of the business carried on by the employer at a specific location was discontinued.**

DATED at Toronto, Ontario, this 26th day of January, 2006.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Pension Plan for Slater Stainless Corp. Members of the United Steelworkers of America (Local 7777)** (the "Plan") Registration Number **0561464.**

TO:
David Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Paul Davis
Vice President
Slater Stainless Corp.
Markborough Place
6711 Mississauga Road, Ste. 202
Mississauga, ON L5N 2W3

Employer

AND TO:
Jeff Rosenberg
PricewaterhouseCoopers Inc.
145 King Street West
Toronto, ON M5H 1V8

Receiver

AND TO:
Ron Mattie
Local President
United Steelworkers of America, Local 7777
234 Eglinton Avenue East
Suite 800
Toronto ON M4P 1K7

Union Representative

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the *Act* respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective May 26, 2004 and include the class of members whose employment or membership terminated during the period of February 15, 2002 and May 26, 2004 for the following reasons and such further reasons that may come to my attention:

> **There is a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer fails to make contributions to the pension fund as required by this Act.**
>
> **A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.**

All or a significant portion of the business carried on by the employer at a specific location was discontinued.

DATED at Toronto, Ontario, this 26th day of January, 2006.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Pension Plan for Employees of Nadeau et Fils 1354342 Ontario Inc.** (the Plan) Registration Number **1085372.**

TO:
Melissa Lambert
Plan Design Specialist
Manulife Financial
P. O. Box 396
Delivery Station KC6
Waterloo, ON N2J 4A9

Administrator

AND TO:
Benoit Nadeau
President
Nadeau et Fils 1354342
Ontario Inc.
P.O. Box 166
Elk Lake, ON P0J 1G0

Employer

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the *Act* respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective **March 31, 2003** for the following reasons:

> **There is a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer fails to make contributions to the pension fund as required by this Act.**
>
> **The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act* (Canada).**

DATED at Toronto, Ontario, this 7th day of March, 2006.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Pension Plan for the Employees of Tandem Fabrics Inc.** (the Plan) Registration Number **466151.**

TO: Darlene Sundercock
Wind-up Customer Service Specialist
London Life Insurance Company
255 Dufferin Avenue
London, ON N6A 4K1

Administrator

AND TO: Lorraine Leblanc
Plan Administrator
Tandem Fabrics Inc.
170 Mill Road, NB E1A 4B1

Employer

AND TO: Mathew J. Munro
Vice President
PricewaterhouseCoopers Inc.
P.O. Box. 789
44 Chipman Hill, Suite 300
Saint John, NB E2L 4B9

Trustee in Bankruptcy

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the *Act* respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective **July 8, 2005** for the following reasons:

> **There is a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer fails to make contributions to the pension fund as required by this Act.**
>
> **The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act* (Canada).**

DATED at Toronto, Ontario, this 7th day of March, 2006.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Pension Plan for Tiger Brand Knitting Company Ltd.** (the Plan) Registration Number **0310136**.

TO:
Darlene Sundercock
Wind-up Customer Service Specialist
London Life Insurance Company
255 Dufferin Avenue
London, ON N6A 4K1

Administrator

AND TO:
Barbara Braniff
Administrator
Tiger Brand Knitting Company Ltd.
96 Grand Ave. S., Box 188
Cambridge, ON N1R 5S9

Employer

AND TO:
Naveed Z. Manzoor
RSM Richter Inc.
200 King St. W., Suite 1100
Toronto, ON M5H 3T4

Trustee in Bankruptcy

ORDER

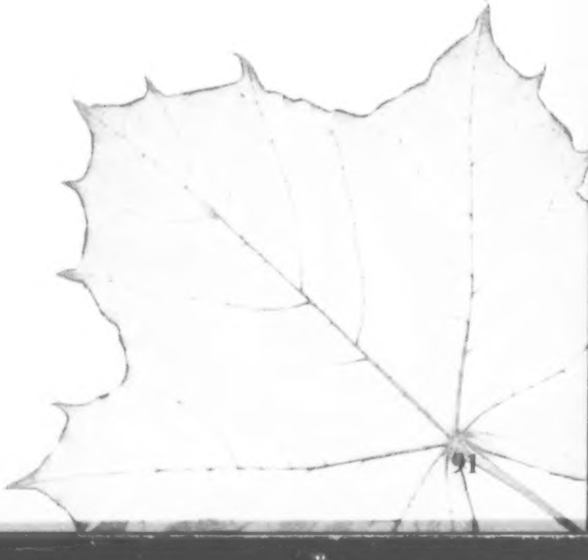
NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the *Act* respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective **April 22, 2005** for the following reasons:

> **There is a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act* (Canada).**

DATED at Toronto, Ontario, this 20th day of March, 2006.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services



IN THE MATTER of the Pension Benefits Act, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Decor Products International, a Division of Kleco Corporation Hourly Pension Plan** (the "Plan") Registration Number **0696864.**

TO:
David R. Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Ron Henderson
Controller
Decor Products International, a Division of Kleco Corporation
140 Bay Street
Midland, ON M5H 3T4

Employer

AND TO:
Wayne Palmer
Trustee
RSM Richter Inc.
200 King Street West, Suite 1100
Toronto, ON M5H 3T4

Trustee in Bankruptcy

AND TO:
Wayne Latour
The National Automobile, Aerospace and Agricultural Implement Workers of Canada (CAW-Canada) Local 1411
Midland, ON L4R 4L3

Union Representative

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective **March 8, 2005** and include the class of members whose employment or membership terminated during the period of February 11, 2005 for the following reasons:

> **There is a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer fails to make contributions to the pension fund as required by this Act.**
>
> **The employer is bankrupt within the meaning of the Bankruptcy and Insolvency Act (Canada).**
>
> **A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.**

All or a significant portion of the business carried on by the employer at a specific location was discontinued.

DATED at Toronto, Ontario, this 31st day of March, 2006.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Staff Pension Plan for the Employees of A. Gledhill & Son Inc.** (the "Plan") Registration Number **0942953.**

TO: Melissa Lambert
Plan Design Specialist
The Manufacturers Life Insurance Company
500 King Street North
P.O. Box 1602
Waterloo, ON N2J 4C6

Administrator

AND TO: Larry Gledhill
633 Colborne Street
London, Ontario N6A 2V3

Employer

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the *Act* respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective **February 28, 1990** for the following reasons:

- **There is a cessation or suspension of employer contributions to the pension fund.**

DATED at Toronto, Ontario, this 3rd day of May, 2006.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Pension Plan for Hourly Employees of Chun King Canada Inc.** (the "Plan") Registration Number **0597450.**

TO:
David R. Kearney
Morneau Sobeco Limited Partnership
895 Don Millls Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Pension Plan Administrator
Chun King of Canada Inc.
1019 Elliot Street West
Windsor, ON N9A 5Z8

Employer

AND TO:
Ron Milkins
United Food and Commercial Workers Union Local 459
261 Erie Street
Leamington, ON N8H 3C4

Union Representative

ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective **December 1, 1991** and include the class of members whose employment terminated between September 11, 1991 and December 1, 1991 for the following reasons:

> **A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.**
>
> **All or a significant portion of the business carried on by the employer at a specific location was discontinued.**

DATED at Toronto, Ontario, this 3rd day of May, 2006.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Registered Pension Plan for Employees of Siematic (Canada) Limited Partnership and Participating Affiliates** (the Plan) Registration Number **0923250;**

TO:
Audrey Humphrey
Plan Finals Associate
Sun Life Financial
227 King Street South
P.O. Box 1601 STN Waterloo
Waterloo, ON N2J 4C5

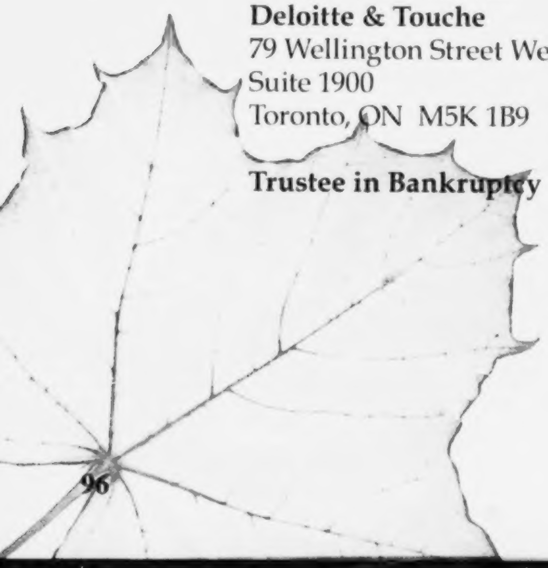
Administrator

AND TO:
Lori Stotts
Administrator
Siematic (Canada) Limited Partnership
353 Manitou Drive
Kitchener, ON N2C 1L5

Employer

AND TO:
Robert Bougie
Senior Vice President
Deloitte & Touche
79 Wellington Street West
Suite 1900
Toronto, ON M5K 1B9

Trustee in Bankruptcy



ORDER

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective **May 15, 2005** for the following reasons:

There is a cessation or suspension of employer contributions to the pension fund.

The employer fails to make contributions to the pension fund as required by this Act.

The employer is bankrupt within the meaning of the *Bankruptcy and Insolvency Act* (Canada).

A significant number of members of the pension plan ceased to be employed by the employer as a result of the discontinuance of all or part of the business of the employer or as a result of the reorganization of the business of the employer.

DATED at Toronto, Ontario, this 3rd day of May, 2006.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the *Act*, respecting the **Registered Pension Plan for Employees of Hunjan Tools & Mould Ltd. and Participating Affiliates** (the Plan) Registration Number **1045368**

TO: Nilu Balsara
Plan Design Services
Manulife Financial
P.O. Box 396, Station Waterloo
Delivery Station -KC-6
Waterloo, ON N2J 4A9

Administrator

AND TO: Mirjana Pratnemer
Benefits Administrator
Hunjan Tools & Mould Ltd. and Participating Affiliates
380 Marklano Street
Markham, ON L6C 1T6

Employer

AND TO: Anamika Gadia
KPMG Inc
199 Bay Street
Suite 3300, Commerce Court W.
Toronto, ON M5L 1B2

Receiver

ORDER

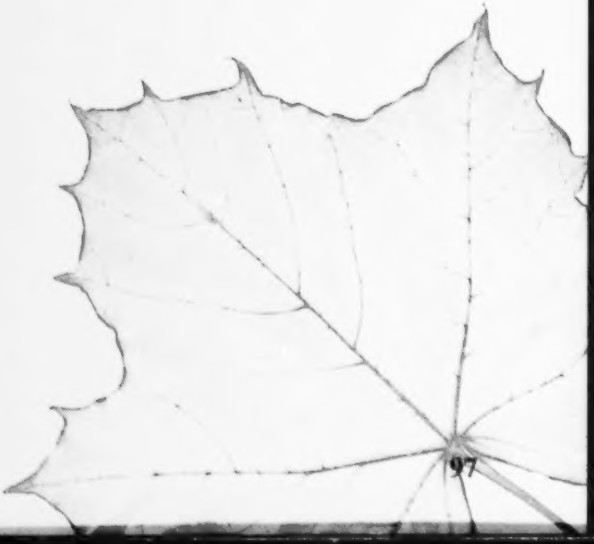
NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the *Act* respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective **June 16, 2005** for the following reasons:

> **There was a cessation or suspension of employer contributions to the pension fund.**

DATED at Toronto, Ontario, this 9th day of May, 2006.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services



IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c.P.8, as amended (the *"Act"*);

AND IN THE MATTER OF a Partial Plan Wind Up Report submitted by Schering-Plough Healthcare Products Canada Inc. in respect of the **Schering-Plough Healthcare Products Canada Inc./Produits Pour Soins de Santé Schering-Plough Canada Inc. Salaried Employees Pension Plan, Registration No. 297903** (the "Plan").

TO: **Schering Canada Inc.**
Schering-Plough Canada
3535 Trans-Canada
Pointe-Claire, QC
H9R 1B4

Attention: Daniel S. Fetzer, Director of Finance

Employer and Administrator of the Plan

ORDER

ON or about October 14, 1999, the Superintendent of Financial Services (the "Superintendent") issued a Notice of Proposal (the "Notice of Proposal") to the Employer and Administrator of the Schering-Plough Healthcare Products Canada Inc./Produits Pour Soins de Santé Schering-Plough Canada Inc. Salaried Employees' Pension Plan, Registration Number 297903 (the "Plan"), wherein she proposed to make an Order on the basis of sections 70(5), 87(2)(c), and 88(2)(c) of the Act requiring the Employer and Administrator to prepare and submit within 60 days of the Order, a report amending that portion of the partial wind up report dated February 19, 1997 on the Partial Wind-Up of the Plan as at August 31, 1996 (the "Report") dealing with surplus attributable to the partial wind up group, to comply with the requirements of the Act.

ON or about November 10, 1999, Schering-Plough Healthcare Products Canada Inc. (the "Employer") requested a hearing before the Financial Services Tribunal (the "Tribunal").

ON or about February 2, 2000, the Tribunal adjourned the proceeding *sine die* on consent of all parties, subject to the term that the parties were to contact the Registrar of the Tribunal by April 17, 2000 to schedule a telephone conference with the Chair of the panel presiding in the proceeding.

ON or about April 14, 2000 and May 12, 2000, the parties jointly requested that the proceeding be adjourned *sine die* to await the appeal in the *Monsanto Canada Inc.* case (*"Monsanto"*).

ON or about May 18, 2000, the Tribunal agreed to adjourn the proceeding *sine die* to await the decision in *Monsanto.*

ON or about January 1, 1999, the Plan was effectively amended to change the name of the Employer from Schering-Plough Healthcare Products Canada Inc./Produits Pour Soins de Santé to Schering Canada Inc.

ON or about July 29, 2004, the Supreme Court of Canada released its decision in *Monsanto,* holding that the Act requires a distribution of surplus on partial wind up.

ON or about October 21, 2004, the Tribunal issued a Notice of Pre-Hearing Conference scheduling the pre-hearing conference for December 15, 2004.

ON or about December 10, 2004, the Tribunal adjourned the pre-hearing conference at the Employer's request, on the consent of the Superintendent.

ON or about March 9, 2005, the Employer filed an Appendix to the Partial Wind-Up Report as at August 31, 1996.

ON or about September 27, 2005, the Tribunal conducted the pre-hearing conference.

ON or about January 9, 2006, the Tribunal conducted the hearing and reserved its decision.

ON or about April 12, 2006, the Tribunal issued its decision, in which it held that the Superintendent may proceed with the Notice of Proposal.

NO Notice of Appeal has been filed respecting the Tribunal's decision.

THEREFORE THE SUPERINTENDENT ORDERS that Schering Canada Inc. file with the Superintendent within 60 days of the date of this Order, a report amending that portion of the Report dealing with the surplus attributable to the partial wind up group, to comply with the requirements of the Act.

DATED at Toronto, Ontario, this 19th day of May, 2006.

K. David Gordon
Deputy Superintendent, Pensions

Consents to Payments out of Wound Up Pension Plans

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(1) of the *Act* consenting to a payment out of the Pension Plan for Salaried Employees of Thorn Lighting, Division of TEMI Canada Inc., Registration Number 0591974.

TO: **TEMI Group plc**
27 Wright's Lane
London W8 5 SW
United Kingdom

Attention: Charles Ashcroft
Secretary and General Counsel

Applicant

CONSENT

ON or about November 9, 2005, the Superintendent of Financial Services caused to be served on Thorn Lighting, Division of TEMI Canada Inc. a Notice of Proposal dated November 9, 2005 to consent, pursuant to subsection 78(1) of the Act, to the payment out of the Pension Plan for Salaried Employees of Thorn Lighting, Division of TEMI Canada Inc., Registration Number 0591974 (the Plan), to Thorn Lighting, Division of TEMI Canada Inc. in the amount of $119,316 as at September 10, 1990 plus investment earnings thereon to date of payment less 58% of the expenses related to the wind up of the plan.

NO NOTICE requiring a hearing was delivered to the Financial Services Tribunal by the Applicant or any other party within the time prescribed by subsection 89(6) of the *Act*.

THE SUPERINTENDENT OF FINANCIAL SERVICES THEREFORE CONSENTS to the payment out of the Plan to Thorn Lighting Division of TEMI Canada Inc. in the amount of $119,316 as at September 10, 1990 plus investment earnings thereon to the date of payment less 58% of the expenses related to the wind up of the plan.

THIS CONSENT IS EFFECTIVE ONLY AFTER the Applicant satisfies me that the surplus entitlements of the members, former members and other persons entitled to benefits have been provided for.

DATED at Toronto, Ontario, this 10th day of January, 2006.

Tom Golfetto,
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services

c.c.: Ken Magee, Mercer Human Resource Consulting

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(1) of the *Act* consenting to a payment out of the Pension Plan for Hourly Employees of Electrohome Limited, Registration Number 0551788.

TO: **Electrohome Limited**
809 Wellington Street North
Kitchener, ON N2G 4J6

Attention: **Mr. Gary Dumoulin**
Vice President and Secretary

Applicant and Employer

CONSENT

ON or about October 26, 2005, the Superintendent of Financial Services caused to be served on Electrohome Limited a Notice of Proposal dated October 26, 2005 to consent, pursuant to subsection 78(1) of the Act, to the payment out of the Pension Plan for Hourly Employees of Electrohome Limited, Registration Number 0551788, to Electrohome Limited in the amount of $440,000 as at April 30, 2001 adjusted for expenses and investment income.

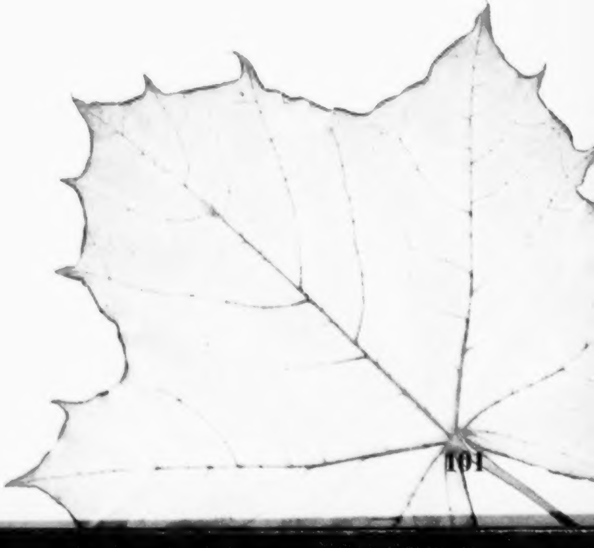
NO NOTICE requiring a hearing was delivered to the Financial Services Tribunal by the Applicant or any other party within the time prescribed by subsection 89(6) of the *Act*.

THE SUPERINTENDENT OF FINANCIAL SERVICES THEREFORE CONSENTS to the payment out of the Pension Plan for Hourly Employees of Electrohome Limited, Registration Number 0551788, to **Electrohome Limited** in the amount of $440,000 as at April 30, 2001 adjusted for expenses and investment income.

THIS CONSENT IS EFFECTIVE ONLY AFTER the Applicant satisfies me that all benefit and benefit enhancements pursuant to the surplus distribution agreement and any other payment to which the members, former members and any other persons entitled to payments have been paid, purchased or otherwise provided for.

DATED at Toronto, Ontario, this 23rd day of January, 2006.

Tom Golfetto,
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services



IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act, 1997*, S.O. 1997, c.28 (the *Act*);

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(1) of the Act consenting to a payment out of the Retirement Plan for the Unionized Production and Maintenance Hourly Employees of Johnson & Johnson Medical Products Registration No. 586966.

TO: **Johnson & Johnson, Inc.**
c/o Blake, Cassels & Graydon LLP
Box 25, Commerce Court West
199 Bay Street, Suite 2800
Toronto, Ontario
M5L 1A9

Attention: Ms. Caroline L. Helbronner

Applicant and Employer

CONSENT

ON or about November 4, 2005 the Superintendent of Financial Services caused to be served on Johnson & Johnson, Inc. a Notice of Proposal dated November 4, 2005 to consent, pursuant to subsection 78(1) of the Act, to payment out of the Retirement Plan for the Unionized Production and Maintenance Hourly Employees of Johnson & Johnson Medical Products, Registration No. 586966 (the Plan), to Johnson & Johnson, Inc in the amount of the remaining surplus after the $760,500 payment to the participants.

NO NOTICE requiring a hearing was delivered to the Financial Services Tribunal by the Applicant or any other party within the time prescribed by subsection 89(6) of the Act.

THE SUPERINTENDENT OF FINANCIAL SERVICES THEREFORE CONSENTS to the payment out of the Retirement Plan for the Unionized Production and Maintenance Hourly Employees of Johnson & Johnson Medical Products. Registration No. 586966, in the amount of the remaining surplus after the $760,500 payment to the participants.

THIS CONSENT IS EFFECTIVE ONLY AFTER the Applicant satisfies me that all benefits, benefit enhancements (including benefits and benefit enhancements pursuant to the Surplus Distribution Agreement between the applicant and the members, former members, and any other persons entitled to payments from the fund) and any other payments to which the members, former members, and any other persons entitled to such payments have been paid, purchased, or otherwise provided for.

DATED at Toronto, Ontario, this 23rd day of December, 2005.

Tom Golfetto
Director, Pension Plans Branch by delegated authority from the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 69 of the Act, respecting the **Slater Steel Inc. Pension Plan for Salaried Employees of Slacan Division** (the "Plan"), Registration Number **0489310**.

TO:

David Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:

Paul Davis
Vice President
Slater Stainless Corp.
Markborough Place
6711 Mississauga Road, Ste. 202
Mississauga ON L5N 2W3

Employer

AND TO:

Jeff Rosenberg
PricewaterhouseCoopers Inc.
145 King Street West
Toronto ON M5H 1V8

Receiver

ORDER

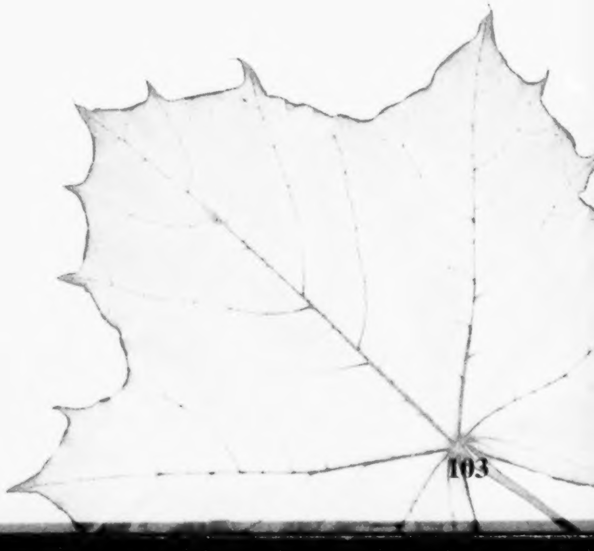
NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the Act respecting a Notice of Proposal to make an Order to wind up the Plan.

IT IS THEREFORE ORDERED that the Plan be wound up in full effective **August 31, 1997** for the following reasons:

> **There is a cessation or suspension of employer contributions to the pension fund.**
>
> **The employer fails to make contributions to the pension fund as required by this *Act*.**
>
> **All or part of the employer's business or all or part of the assets of the employer's business are sold, assigned or otherwise disposed of and the person who acquires the business or assets does not provide a pension plan for the members of the employer's pension plan who become employees of the person.**

DATED at Toronto, Ontario, this 21st day of February, 2006.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services



Refusals to Consent to Applications for Payment of Surplus Out of Wound Up Pension Plans

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c.P.8, as amended (the *"Act"*);

AND IN THE MATTER OF a Proposal of the Superintendent of Financial Services to Refuse to Consent to a Transfer of Assets under section 81 of the *Act* from the **Nacan Products Limited Pension Plan for Former Employees of Acheson Colloids (Canada) Ltd., Registration No. 0576975, to the Pension Plan for Salaried Employees of Nacan Products Limited and its Associated and Subsidiary Companies, Registration No. 0286294.**

TO: **Nacan Products Limited**
60 West Drive
Brampton, Ontario
L6T 4W7

Attention: Louise Clune, HR Specialist
Employer and Administrator

ORDER

ON or about February 13, 2006, the Superintendent of Financial Services (the "Superintendent") issued a **NOTICE OF PROPOSAL** (the "Notice of Proposal") to Nacan Products Limited (Employer and Administrator), wherein he proposed to **REFUSE TO CONSENT** to the transfer of assets and liabilities from Nacan Products Limited Pension Plan for Former Employees of Acheson Colloids (Canada) Ltd., Registration No. 0576975 (the "Acheson Plan") to the Pension Plan for Salaried Employees of Nacan Products Limited and its Associated and Subsidiary Companies, Registration No. 0286294 (the "Nacan Plan"), effective January 1, 2002, under section 81(5) of the *Act*.

NO REQUEST for a hearing has been received by the Financial Services Tribunal in connection with the Notice of Proposal within the time prescribed by section 89(6) of the *Act*.

THEREFORE:

THE SUPERINTENDENT REFUSES TO CONSENT to the transfer of assets and liabilities from the Acheson Plan to the Nacan Plan, effective January 1, 2002, under section 81(5) of the *Act*.

REASONS:

1. An application was made to the Superintendent for consent to a transfer of assets from the Acheson Plan to the Nacan Plan.

2. Section 81 of the *Act* provides that no transfer of assets shall be made from one pension fund to another without the Superintendent's consent to the transfer of assets. Section 81(5) provides that:

> The Superintendent shall refuse to consent to a transfer of assets that **does not protect the pension benefits and other benefits of the members and former members of the original plan** or that does not meet the prescribed requirements and qualifications. [Emphasis added]

3. Section 11(a) of the Financial Services Commission of Ontario ("FSCO") Policy A700-251 entitled "Full Asset Transfers under Section 81 – Superintendent's Consent Required", effective as of October 29, 1996, provides that:

> The Superintendent may decide that the benefits are not protected where:
>
> (a) the transfer ratio of the importing plan is less than the highest transfer ratio of the exporting plans, and is less than 1.0;...

3. The Actuarial Valuation Report as of January 1, 2002 shows that, on an accrued basis, the Acheson Plan (which is the exporting plan) has a surplus of $214, 946 (the difference between the actuarial liabilities of $836, 228 and the actuarial value of assets of $1,051, 174). It also shows that the Acheson Plan has no solvency deficiency. The Report shows that the Acheson Plan is fully funded for accrued benefits on both an ongoing basis and a solvency basis. Therefore, in the event of a full wind up, there would be sufficient assets in the pension fund of the Acheson Plan to pay all benefits provided for under the Acheson Plan.

4. The "Plan Merger Actuarial Valuation Report" as of January 1, 2002 shows that the Nacan Plan (which is the importing plan) has an unfunded actuarial liability of $3,102,021 (the difference between the actuarial liabilities of $25,557,192 and the actuarial value of assets of $22,455,171). It shows that the Nacan Plan has a solvency deficiency of $2,084,032. Therefore, in the event of a full wind up, there would not be sufficient assets in the pension fund of the Nacan Plan to pay all benefits provided for under the Nacan Plan.

5. The Actuarial Valuation Report as of January 1, 2002 shows that the transfer ratio of the Acheson Plan is 1.00. The Plan Merger Actuarial Valuation Report shows that the transfer ratio of the Nacan Plan is 0.773.

6. The Plan Merger Actuarial Valuation Report reveals that the transfer ratio of the merged plan (the importing plan), if there was to be an asset transfer, would be 0.786. Thus the transfer ratio of the importing plan is less than the highest transfer ratio of the exporting plans and is less than 1.0. Accordingly, as of January 1, 2002, in the event of a full wind-up, there would be insufficient assets in the pension fund of the merged plan to pay all the benefits provided for under the merged plan.

7. The Superintendent asked Nacan Products Limited, through its actuary, to address the Superintendent's concern that the pension and other benefits of the members and former members of the exporting plan (the Acheson Plan) would not be protected if there was to be an asset transfer, in a letter dated August 28, 2003. Specifically, the Superintendent asked the actuary to demonstrate how the benefits would be protected under the circumstances or provide the Superintendent with its proposed corrective actions to remedy this situation.

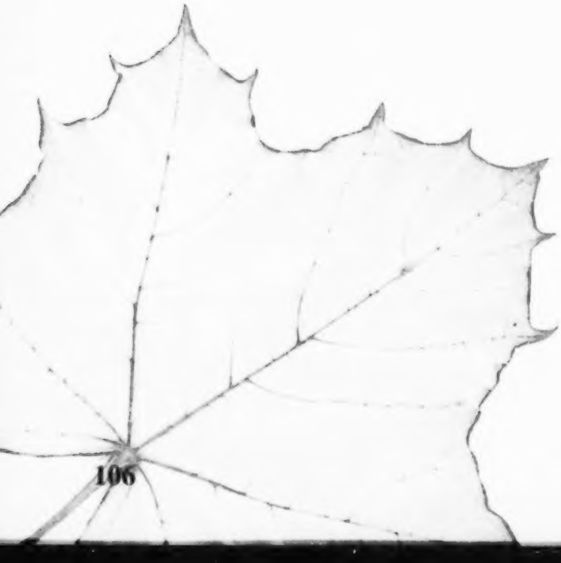
8. In its response dated October 20, 2003, Nacan Products Limited does not demonstrate how the benefits would be protected under the circumstances and does not propose any action that would ensure that in the event of a full wind-up there would be sufficient assets in the merged plan to pay all the benefits provided for under the Acheson Plan. Further, its opinion that the merger would

contribute and enhance the protection and security of the pension plan benefits for all Nacan and Acheson plan members because (1) the merged plan would benefit from lower investment management, administration and consulting costs; and (2) with a larger and stronger asset base the merged plan could take advantage of wider range of investments in order to maximize its growth and earnings potential, is not sufficient. These reasons do not provide any assurance that the pension and other benefits of the members and former members of the exporting plan (the Acheson Plan) provided under the Acheson Plan would be protected in the event of a full wind up of the merged plan.

9. Therefore, the Superintendent refuses to consent to the transfer of assets from the Acheson plan to the Nacan Plan under section 81(5) of the *Act*.

DATED at Toronto, Ontario, this 24th day of April, 2006.

Tom Golfetto, Director, Pension Plans Branch by delegated authority from the Superintendent



IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *"Act"*);

AND IN THE MATTER OF an Application under subsection 78(1) of the *Act* submitted by **Alexander Metal Products (1965) Limited** in respect of the **Pension Plan for Employees of Alexander Metal Products (1965) Limited, Registration Number 533273;**

AND IN THE MATTER OF a Proposal to Require a New Report by the Superintendent of Financial Services under section 88 of the *Act* in respect of the **Pension Plan for Employees of Alexander Metal Products (1965) Limited, Registration Number 533273** (the "Plan").

TO: Alexander Metal Products (1965) Limited
Employer and Administrator of the Plan

AND TO: **c/o Low, Murchison LLP**
Barristers and Solicitors
200 - 441 MacLaren St.
Ottawa, Ontario, Canada
K2P 2H3

Attention: Daniel Scott
Lawyers for the Employer and Administrator

ORDER

ON or about July 14th, 2005, the Superintendent of Financial Services issued a **Notice of Proposal to:**

REFUSE TO CONSENT, pursuant to subsection 78(1) of the *Act*, to the application for the withdrawal of surplus dated December 12, 2003 ("Surplus Application"), submitted by Alexander Metal Products (1965) Limited, (the "Employer") for the payment of surplus on the wind up of the Plan to the Employer, and

ALSO TO REQUIRE a new wind up report to be prepared and filed which shall deal with the distribution of surplus related to the wind up of the Plan effective October 31, 2002, pursuant to sections 70 and 88 of the *Act*.

NO REQUEST for a hearing has been received by the Financial Services Tribunal in connection with this matter.

I THEREFORE REFUSE TO CONSENT, pursuant to subsection 78(1) of the *Act*, to the Surplus Application, submitted by the Employer, for the payment of surplus on the wind up of the Plan to the Employer, and

I ALSO REQUIRE a new wind up report to be prepared and filed which shall deal with the distribution of surplus related to the wind up of the Plan effective October 31, 2002, pursuant to sections 70 and 88 of the *Act*.

REASONS

1. The Employer is the employer and administrator of the Plan. The Plan is a defined contribution pension plan.

2. The Employer submitted the Surplus Application on the basis that the Plan is being wound up. The Employer previously submitted a wind up report dated June 25, 2003 ("Wind up Report"), which was approved by FSCO July 4, 2003. The Wind up Report showed that there was no surplus in the Plan, and therefore did not provide for the payment of surplus.

3. In support of the Surplus Application the Employer attached a copy of a letter dated November 27, 2003 from Manulife Financial to Low Murchison LLP, solicitors for the Employer, which states that there is surplus in the Plan as at October 2003 in the amount of $99,048.20. The letter also states that this surplus arose from the conversion of a prior defined benefit plan to a money purchase plan.

4. By letter dated May 21, 2004, FSCO informed the solicitors for the Employer that staff had reviewed the Surplus Applications, and it had several concerns:

    a. The Wind up Report submitted did not show that the plan has a surplus. It showed assets equal liabilities and that surplus was $0.00.;

    b. The notices to members did not set out the following:

        (1) Methodology used to determine the surplus attributable to employee and employer contributions;

        (2) There was no full and complete disclosure of all provisions of the plan and trust documents from the inception of the plan that may be relevant in determining entitlement to surplus on wind up. This includes the provisions in all current and prior plan texts, trusts agreements, insurance contracts, and other documents that may be relevant;

        (3) It did not state that members, former members, or other affected persons may wish to obtain independent legal advice with respect to the Surplus Application and the proposed distribution agreement before they give any consent.

    c. The Surplus Application indicates at page four under the heading "Conditions Precedent to a Proposal to Consent" that "The Plan documentation does not make reference to the payment of any surplus"; and

    d. The Employer has not obtained the consent of at least two-thirds of the former members to the refund of surplus to the Employer. The Employer provided waivers signed by members in 1990, which were signed prior to the Surplus Application.

5. The solicitors for the Employer were advised by FSCO in the letter dated May 21, 2004, that the Surplus Application does not satisfy the requirements of the *Act*, Regulations and conditions set out in FSCO Policy. The employer was given specific information on the areas of non-compliance. The employer was also advised that failure to adequately demonstrate compliance may result in a refusal of the application.

6. In response to the May 21, 2004 letter from FSCO, the solicitors for the Employer by letter dated June 22, 2004 indicated that the letter from Manulife confirmed that there is surplus in the Plan. However, no new or revised wind up report was submitted in support of this position. The solicitors for the Employer also

indicated that members already received the pension benefits that they bargained for in their employment agreement, and that the surplus arose entirely due to the employer's over contribution to the previous plan.

7. Subsection 79(3) of the *Act* provides in part that the Superintendent shall not consent to an application by an employer in respect of surplus in a pension plan that is being wound up in whole or in part unless: (a) he is satisfied, based on reports provided with the application, that the pension plan has a surplus; (b) the pension plan provides for the payment of surplus to the employer on the wind up of the plan; (c) the applicant and the pension plan comply with all the other requirements prescribed under other section of the *Act* in respect of the payment of surplus out of a pension fund.

8. Clause 8(1)(b) of Regulation 909, R.R.O. 1990, as amended ("the Regulations") provides that no payment may be made from the surplus out of a pension plan that is being wound up in whole or in part unless the payment is to be made with the written agreement of: (i) the employer, (ii) if there is no collective bargaining agent of the plan, at least two-thirds of the members of the plan; and (iii) such number of former members and other persons who are entitled to the payment under the plan on the date of the wind up of the plan as the Superintendent considers appropriate in the circumstances.

9. The Financial Services Commission of Ontario's ("FSCO") Policy No. S900-510 sets out the requirements for written agreements, pursuant to clause 8(1)(b) of the Regulations. It provides at section 19 that the Superintendent must be satisfied that the employer has provided the former members and other persons who are not currently represented by independent legal counsel with a reasonable opportunity to obtain independent legal advice with respect to the Surplus Application, and the employer has obtained the number of executed agreements required from affected members and others under the regulations.

10. In respect of the level of consent, section 23 of FSCO Policy No. 5900-510 provides that in order to satisfy subclause 8(1)(b)(iii) of the Regulations, an applicant should obtain the written agreements of at least two-thirds of the aggregate of those former members and other persons entitled to payments under the pension plan at the date of wind up.

11. Subsection 28(5) of the Regulations sets out the requirements of the notice of application, required under subsection 78(2) of the *Act*, for the payment of money that is surplus to the employer out of a pension plan. Specifically subsection 28(5)(c) provides that the notice shall contain the surplus attributable to the employee and employer's contributions and subsection 28(5)(f) requires that the notice must set out the contractual authority for surplus reversion.

12. FSCO Policy S900-600 section 9, provides that with respect to clause 28(5)(f) of the Regulations, there must be full and complete disclosure of all provisions of the plan and trust documentation from

the inception, that may be relevant in determining entitlement to the payment of surplus on wind up, including provisions in all current and prior plan texts, trust agreements, insurance contracts, employee booklets, employee notices and any other documents that may be relevant.

13. Section 9 of FSCO Policy S900-600 also provides in part that the actual wording of all the provisions from the plan and trust documentation from the inception of the plan that may be relevant to surplus entitlement and to the question of authority to make the plan amendments must be cited in the Surplus Notice, along with the full analysis of their implications.

14. The notice of application provided by the Employer to former members and other persons entitled to benefits under the Plan does not contain any reference to the provisions of the current Plan, prior plans or any other document that may be relevant. Further it does not set out the surplus attributable to employee and employer contributions, the contractual authority for surplus reversion, nor does it state that the former members or other affected persons may wish to obtain independent legal advice with respect to the Surplus Application and the surplus distribution agreement before they give any consent. Therefore, the Employer has not demonstrated that it has complied with subsection 78(2) of the *Act* and subsection 28(5) of the Regulations.

15. The consents from the former members of the Plan indicate that a surplus exists and grants approval for the withdrawal of said surplus for credit to the Employer. These consents are dated October 31, 1990, and predate the wind up of the Plan. Therefore, the Employer has not demonstrated that it has complied with sub clause 8(1)(b)(iii) of the Regulation, which requires the agreement of at least two-thirds of the former members of the Plan at the date of the wind up of the Plan.

16. The Wind up Report showed that there is no surplus in the plan. However, the Employer indicated in the Surplus Application that there is surplus. Section 30(f) of FSCO Policy 900-510 requires that the Surplus Application be accompanied by copies of the title pages and the balance sheet of the Wind up Report as of the effective date of the wind up giving rise to the Surplus Application and the actuary's certification from the Wind up Report or any supplemental wind up report. It further provides that a supplement to a wind up report will be required if the distribution of surplus is not addressed in the Wind up Report or the initial wind up report does not reflect the surplus distribution proposals outlined in the Surplus Application.

17. Section 88 of the *Act* provides that the Superintendent may require an administrator to prepare a new report where the report does not meet the requirements of the Act, and the Superintendent may specify the methods that shall be used in the preparation of the new report.

DATED at Toronto, Ontario, this 11th day of May, 2006.

K. David Gordon
Deputy Superintendent, Pensions

Consents to Refunds of Employer Overpayments - Subsection 78(4) of the *Pension Benefits Act*

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **The Retirement Plan for Salaried Employees of Specialty Chemicals - A Division of Honeywell ASCa Inc.,** Registration Number **0338889.**

TO: Charlene Arje
Director Canadian Business Services
3333 Unity Drive
Mississauga, ON L5L 3S6

ORDER

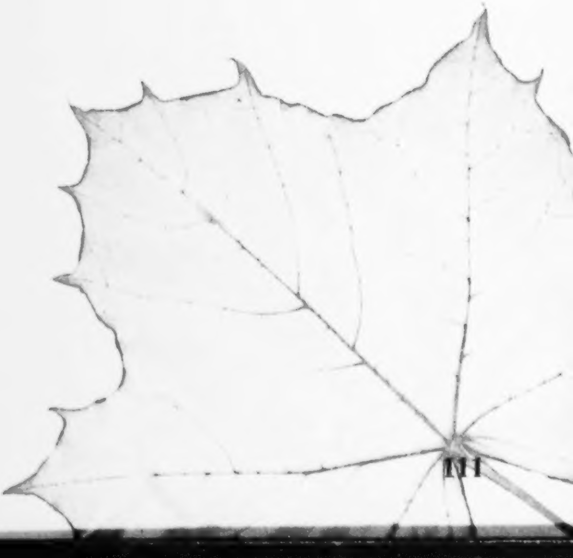
NO NOTICE requiring a hearing was delivered to the Financial Services Tribunal by the Applicant or any other party within the time prescribed by subsection 89(6) of the Act.

IT IS THEREFORE ORDERED to consent to the payment, out of the **The Retirement Plan for Salaried Employees of Specialty Chemicals - A Division of Honeywell ASCa Inc.**, to **Honeywell ASCa Inc.,** as at **September 23, 2001** in the amount of **$17,412.86** plus interest to the date of payment for the following reasons:

1. **Honeywell ASCa Inc.** is the employer as defined in the Plan.
2. As a result of **Administrative oversight, the contributions were made directly from the company funds instead of the pension fund.**
3. Evidence of the Overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. There were no member submissions made about the repayment.
5. The application appears to comply with section 78(4) of the *Act*.

DATED at Toronto, Ontario, this 9th day of March, 2006.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services



IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **Pension Plan for the Employees Idlewyld Manor,** Registration Number **0957837.**

TO: Dave Drywood
Manager of Financial Services
Idlewyld Manor
449 Sanatorium Rd
Hamilton, ON L9C 2A7

ORDER

NO NOTICE requiring a hearing was delivered to the Financial Services Tribunal by the Applicant or any other party within the time prescribed by subsection 89(6) of the *Act*.

IT IS THEREFORE ORDERED to consent to the payment, out of the **Pension Plan for the Employees Idlewyld Manor**, to **Idlewyld Manor**, as at **September 30, 2004** in the amount of **$6,822.20** plus interest to the date of payment for the following reasons:

1. **Idlewyld Manor** is the employer as defined in the Plan.
2. As a result of **an audit of 2004 pension contributions which revealed an overpayment for August and September of 2004.**
3. Evidence of the Overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. The application appears to comply with section 78(4) of the *Act*.

DATED at Toronto, Ontario, this 17th day of March, 2006.

Tom Golfetto
Director, Pension Plans Branch
by Delegated Authority from
the Superintendent of Financial Services

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **Pension Plan for Employees of Compass Group of Canada (Beaver) Ltd.** (the "Plan"), Registration Number **567354.**

TO: Mr. Bruce Tavender, CA
Vice President, Finance
Compass Group Canada (Beaver) Ltd.
493 Dundas Street
London, ON N6B 1W4

ORDER

NO NOTICE requiring a hearing was delivered to the Financial Services Tribunal by the Applicant or any other party within the time prescribed by subsection 89(6) of the *Act*.

IT IS THEREFORE ORDERED to consent to the payment, out of the **Pension Plan for Employees of Compass Group of Canada (Beaver) Ltd., to Compass Group Canada (Beaver) Ltd.**, as at **September 29, 2005, and October 31, 2005**, in the amount of **$741,492** at each date, plus interest to the date of payment for the following reasons:

1. **Compass Group Canada (Beaver) Ltd.** is the employer as defined in the Plan.
2. As a result of **a misinterpretation of the minimum amount of monthly special payments, contributions as set out in the December 1, 2004, actuarial valuation report were remitted incorrectly. Instead of remitting the monthly amount, the annual amount of special payments was remitted twice (once for August contributions and once for September contributions).**
3. Evidence of the overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. The application appears to comply with section 78(4) of the *Act*.

DATED at Toronto, Ontario, this 19th day of April, 2006.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **Retirement Plan for Employees of City Welding (Sudbury) Limited** (the Plan), Registration Number **0419994**.

TO: Georges Brouillette
Owner/Operator
City Welding (Sudbury) Limited
939 Elisabella Street
Sudbury, ON P3A 5K1

ORDER

NO NOTICE requiring a hearing was delivered to the Financial Services Tribunal by the Applicant or any other party within the time prescribed by subsection 89(6) of the Act.

IT IS THEREFORE ORDERED to consent to the payment, out of the Plan, to **City Welding (Sudbury) Limited**, as at **May 31, 2005** in the amount of **$13,750.00** plus interest to the date of payment for the following reasons:

1. **City Welding (Sudbury) Limited** is the employer as defined in the Plan.
2. As a result of **contributions being made to the Plan, as well as to two separate Individual Pension Plan established January 1, 2005 for Georges Brouillette and Gisele Brouillette.**
3. Evidence of the overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. There were no member submissions made about the repayment.
5. The application appears to comply with section 78(4) of the *Act*.

DATED at Toronto, Ontario, this 21st day of April, 2006.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **Pension Plan for Non-Union Employees of General Mills Canada Corporation** (the Plan), Registration Number **0291500**.

TO: Ms. Nancy Wood
Human Resources Manager
General Mills Canada Corporation
5825 Explorer Drive
Mississauga, ON L4W 5P6

ORDER

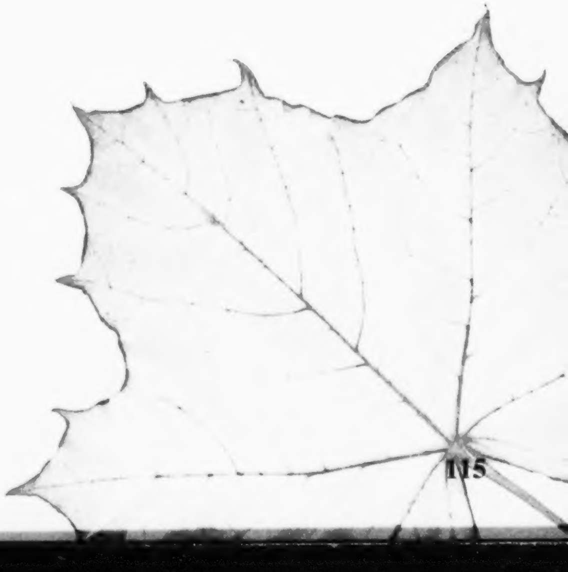
NO NOTICE requiring a hearing was delivered to the Financial Services Tribunal by the Applicant or any other party within the time prescribed by subsection 89(6) of the *Act*.

IT IS THEREFORE ORDERED to consent to the payment, out of the Plan, to **General Mills Canada Corporation**, as at **July 28, 2003** in the amount of **$115,963.15** plus interest to the date of payment for the following reasons:

1. **General Mills Canada Corporation** is the employer as defined in the Plan.
2. As a result of **an administrative error, a contribution of $115,963.15 was made to the Plan as at July 28, 2003 that should have been made to the Pension Plan for Midland Union Employees of General Mills Canada Corporation, Registration No. 0574491.**
3. Evidence of the overpayment to the fund has been submitted to the Financial Services Commission of Ontario.
4. There were no member submissions made about the repayment.
5. The application appears to comply with section 78(4) of the *Act*.

DATED at Toronto, Ontario, this 21st day of April, 2006.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services



IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER OF a Proposal by the Superintendent of Financial Services to make an Order under subsection 78(4) of the *Act* consenting to a payment out of the **Nissan Canada Inc. Retirement Plan** (the Plan), Registration Number **563247.**

TO: James P. Higgins
Nissan Canada Inc.
5290 Orbitor Drive
Mississauga, ON L4W 4Z5

ORDER

NO NOTICE requiring a hearing was delivered to the Financial Services Tribunal by the Applicant or any other party within the time prescribed by subsection 89(6) of the Act.

IT IS THEREFORE ORDERED to consent to the payment, out of the **Nissan Canada Inc. Retirement Plan**, to **Nissan Canada Inc.**, as at **December 31, 2005** in the amount of **$57,176** plus interest to the date of payment for the following reasons:

1. **Nissan Canada Inc.** is the employer as defined in the Plan.

2. As a result of **the new Actuarial Valuation Report as at December 31, 2004, the employer contribution requirements for the year 2005 are less than the contribution requirements set out in the Actuarial Valuation Report as at December 31, 2003. Therefore, the 2005 employer contributions made up to September 2005 which were based on the December 31, 2003 Actuarial Valuation Report, exceed the amount required to be made by the employer.**

3. Evidence of the Overpayment to the fund has been submitted to the Financial Services Commission of Ontario.

4. The application appears to comply with section 78(4) of the *Act*. The application was made in the same fiscal year in which the overpayment occurred.

DATED at Toronto, Ontario, this 21st day of April, 2006.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services

Declarations that the Pension Benefits Guarantee Fund Applies to Pension Plans – Subsection 83 (1) of the *Pension Benefits Act*

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 83 and 89 of the *Act*, respecting the **Canadian Drawn Steel Company Inc. Bargaining Unit Pension Plan for Members of United Steelworkers of America** (the "Plan") Registration Number **0988444**

TO: David R. Kearney
Principal
Morneau Sobeco (Regulatory Services) Inc.
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO: Robert Boylan
Controller
Canadian Drawn Steel Inc.
155 Chatham Street
Hamilton, ON L8P 2B7

Employer

AND TO: Doug LeFaive
Sack Goldblatt Mitchell
Barristers & Solicitors
20 Dundas Street West, Suite 1130
P.O. Box 180
Toronto, ON M5G 2G8

Union Representative

DECLARATION

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the *Act* requesting a Notice of Proposal to make a Declaration that the Pension Benefits Guarantee Fund applies to the Plan.

I DECLARE pursuant to sections 83 and 89 of the *Act* that the Pension Benefits Guarantee Fund (Guarantee Fund) applies to the Plan for the following reasons:

1. The Plan is registered under the Act, and
2. The Plan provides defined benefits that are not exempt form the application of the Pension Benefits Guarantee Fund by the *Act* or the regulations made thereunder, and
3. The Plan is winding up in full effective **January 31, 2004** pursuant to section 69 of the *Act*, and
4. There are reasonable and probable grounds that the funding requirements of the Act and regulations cannot be satisfied. The administrator has estimated the deficit in the plan at the wind up date to be **$1,707,787**. If funds become available from the estate of the employer, the administrator will be required to make an appropriated refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.

DATED at Toronto, Ontario, this 10th day of January, 2006

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 83 and 89 of the Act, respecting the **Pension Plan for Slater Stainless Corp. Members of the National Automobile, Aerospace, Transportation and General Workers Union** (the "Plan") Registration Number **0561456**.

TO:
David Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

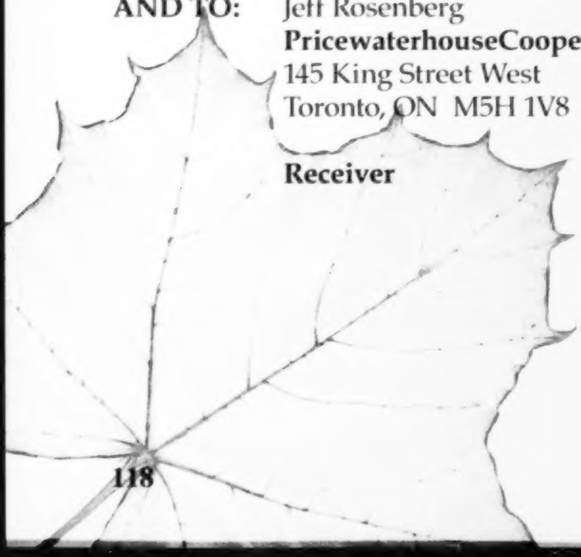
Administrator

AND TO:
Paul Davis
Vice President, Administration
Slater Stainless Corp.
Markborough Place
6711 Mississauga Road, Ste. 202
Mississauga, ON L5N 2W3

Employer

AND TO:
Jeff Rosenberg
PricewaterhouseCoopers Inc.
145 King Street West
Toronto, ON M5H 1V8

Receiver



AND TO:
Sym Gill
National representative
Caw Canada
250 Placer Court
Toronto, ON M2H 3M9

Union Representative

DECLARATION

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the *Act* requesting a Notice of Proposal to make a Declaration that the Pension Benefits Guarantee Fund applies to the Plan.

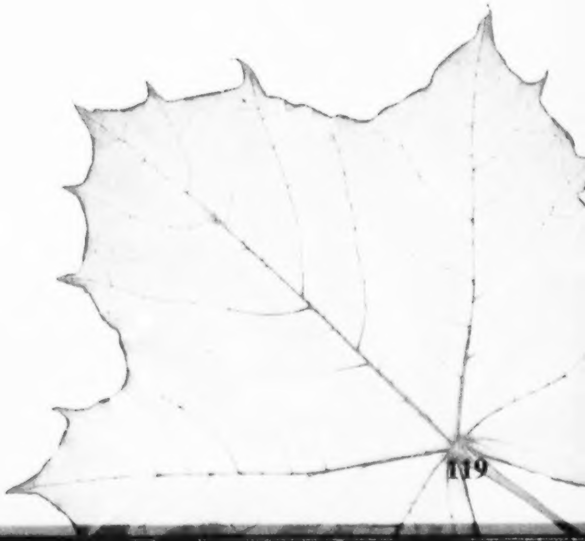
I DECLARE pursuant to sections 83 and 89 of the *Act* that the Pension Benefits Guarantee Fund (Guarantee Fund) applies to the Plan for the following reasons:

1. The Plan is registered under the *Act*, and
2. The Plan provides defined benefits that are not exempt form the application of the Pension Benefits Guarantee Fund by the Act or the regulations made thereunder, and
3. The plan was wound up effective **May 5, 2004,** and
4. There are reasonable and probable grounds that the funding requirements of the *Act* and regulations cannot be satisfied. The administrator has estimated the deficit in the plan as January 1, 2002, to be **$15,625,000**. If funds become available from the estate of the employer, the administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the

Pension Benefits Guarantee Fund.

DATED at Toronto, Ontario, this 21st day of February, 2006.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services



IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *"Act"*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 83 and 89 of the *Act*, respecting the **Decor Products International, a Division of Kleco Corporation Hourly Pension Plan** (the "Plan") Registration Number **0696864.**

TO:
David R. Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

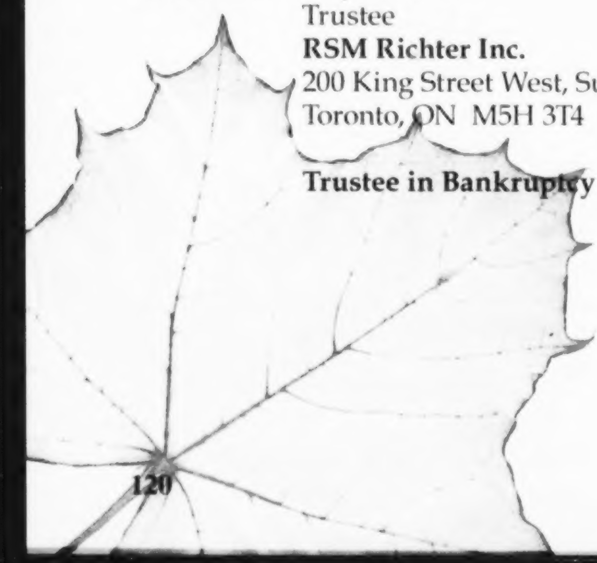
Administrator

AND TO:
Ron Henderson
Controller
Decor Products International, a Division of Kleco Corporation
140 Bay Street
Midland, ON M5H 3T4

Employer

AND TO:
Wayne Palmer
Trustee
RSM Richter Inc.
200 King Street West, Suite 1100
Toronto, ON M5H 3T4

Trustee in Bankruptcy



AND TO:
Wayne Latour
National Representative
The National Automobile, Aerospace and Agricultural Implement Workers of Canada (CAW-Canada) Local 1411
P.O. Box 550
Midland, ON L4R 4L3

Union Representative

DECLARATION

NO request requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the *Act* requesting a Notice of Proposal to make a Declaration that the Pension Benefits Guarantee Fund applies to the Plan.

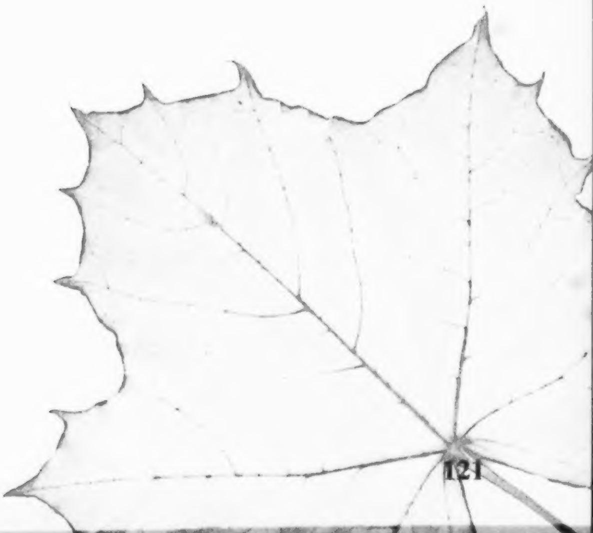
I DECLARE pursuant to sections 83 and 89 of the *Act* that the Pension Benefits Guarantee Fund (Guarantee Fund) applies to the Plan for the following reasons:

1. The Plan is registered under the *Act*, and
2. The Plan provides defined benefits that are not exempt form the application of the Pension Benefits Guarantee Fund by the *Act* or the regulations made thereunder, and
3. The plan was wound up effective **March 8, 2005,** and
4. There are reasonable and probable grounds that the funding requirements of the *Act* and regulations cannot be satisfied. The administrator has estimated the deficit in the plan at the wind up date to be **$1,110,000**. If funds become available from the estate of the employer,

the administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.

DATED at Toronto, Ontario, this 5th day of April, 2006.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services



IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of a Proposal of the Superintendent of Financial Services to make an Order under section 83 and 89 of the *Act*, respecting the **Pension Plan for Hourly Employees of Chun King Canada Inc.** (the "Plan") Registration Number **0597450.**

TO: **Debbie Gallagher**
Consultant
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO: Pension Plan Administrator
Chun King of Canada Inc.
1019 Elliot Street West
Windsor, ON N9A 5Z8

Employer

AND TO: Ron Milkins
United Food and Commercial Workers Union Local 459
261 Erie Street
Leamington, ON N8H 3C4

Union Representative

DECLARATION

NO REQUEST requiring a hearing was delivered to the Financial Services Tribunal within the time prescribed by subsection 89(6) of the *Act* requesting a Notice of Proposal to make a Declaration that the Pension Benefits Guarantee Fund applies to the Plan.

I DECLARE pursuant to sections 83 and 89 of the *Act* that the Pension Benefits Guarantee Fund (Guarantee Fund) applies to the Plan for the following reasons:

1. The Plan is registered under the *Act*, and
2. The Plan provides defined benefits that are not exempt form the application of the Pension Benefits Guarantee Fund by the *Act* or the regulations made thereunder, and
3. The plan was wound up effective **December 1, 1991**, and
4. There are reasonable and probable grounds that the funding requirements of the *Act* and regulations cannot be satisfied. The administrator has estimated the deficit in the plan at the wind up date to be **$209,100**. Based on the latest actuarial certification, there is an estimated claim against the Guarantee Fund of **$550,000**. as at February 1, 2006. If funds become available from the estate of the employer, the administrator will be required to make an appropriate refund of any allocation amount received by the Plan from the Pension Benefits Guarantee Fund.

DATED at Toronto, Ontario, this 9th day of May, 2006.

Tom Golfetto
Director, Pension Plans Branch by Delegated Authority from the Superintendent of Financial Services

Allocations of Money from the Pension Benefits Guarantee Fund

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of an Order made by the Superintendent of Financial Services under section 83 of the *Act*, respecting the **Pension Plan for Slater Stainless Corp. Members of the United Steelworkers of America (Local 7777)** (the "Plan" Registration Number **0561464**).

TO:

David R. Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:

Paul Davis
Vice President, Administration
Slater Stainless Corp.
Markborough Place
6711 Mississauga Road, Ste. 202
Mississauga, ON L5N 2W3

Employer

AND TO:

Jeff Rosenberg
PricewaterhouseCoopers Inc.
145 King Street West
Toronto, ON M5G 1V8

Trustee in Bankruptcy

AND TO:

Ron Mattie
Local President
United Steelworkers of America, Local 7777
234 Eglinton Avenue East,
Suite 800
Toronto, ON M4P 1K7

Union Representative

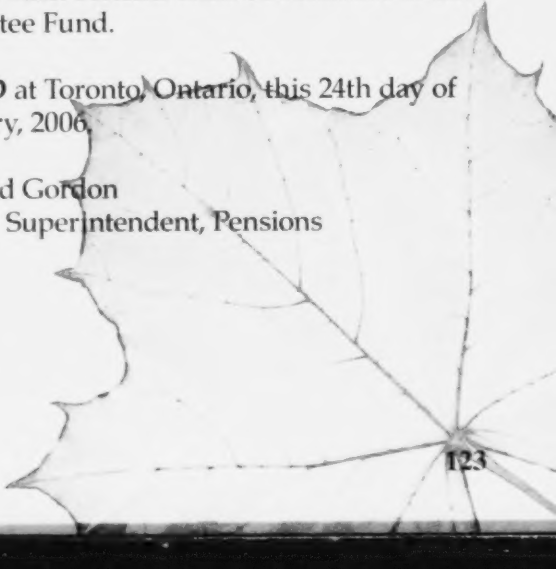
ALLOCATION

WHEREAS on **February 21, 2006**, the Director, Pension Plans Branch, by order and by delegated authority from the Superintendent of Financial Services declared, pursuant to sections 83 and 89 of the *Act*, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Pension Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Pension Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the Act (the "Regulation"), an amount not to exceed **$9,324,700** which together with the Ontario assets of the Pension Plan, will provide for the benefits determined in accordance with section 34 of the Regulation. Any money allocated from the Guarantee Fund but not required to provide such benefits shall be returned to the Guarantee Fund.

DATED at Toronto, Ontario, this 24th day of February, 2006.

K. David Gordon
Deputy Superintendent, Pensions



IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of an Order made by the Superintendent of Financial Services under section 83 of the *Act*, respecting the **Pension Plan for Slater Stainless Corp. Members of the National Automobile, Aerospace, Transportation and General Workers Union (CAW-Canada)** (the "Plan") Registration Number **0561456.**

TO:
David R. Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Paul Davis
Vice President, Administration
Slater Stainless Corp.
Markborough Place
6711 Mississauga Road, Ste. 202
Mississauga, ON L5N 2W3

Employer

AND TO:
Jeff Rosenberg
PricewaterhouseCoopers Inc.
145 King Street West
Toronto, ON M5G 1V8

Trustee in Bankruptcy

AND TO:
Sym Gill
National Representative
CAW Canada
250 Placer Court
Toronto, ON M2H 3M9

Union Representative

ALLOCATION

WHEREAS on **February 21, 2006**, the Director, Pension Plans Branch, by order and by delegated authority from the Superintendent of Financial Services declared, pursuant to sections 83 and 89 of the Act, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Pension Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Pension Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the *Act* (the "Regulation"), an amount not to exceed **$73,911,800** which together with the Ontario assets of the Pension Plan, will provide for the benefits determined in accordance with section 34 of the Regulation. Any money allocated from the Guarantee Fund but not required to provide such benefits shall be returned to the Guarantee Fund.

DATED at Toronto, Ontario, this 24th day of February, 2006.

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER of the *Pension Benefits Act,* R.S.O. 1990, c. P.8, as amended (the *Act*);

AND IN THE MATTER of an Order made by the Superintendent of Financial Services under section 83 of the *Act,* respecting the **Servifood Ltd. Pension Plan** (the Pension Plan), Registration Number **684225.**

TO:
David R. Kearney
Morneau Sobeco
895 Don Mills Road, Suite 700
1 Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Real Morin
President
Servifood Ltd.
180 blvd. Rene Levesque Est
Suite 408
Montreal, Quebec H2X 1N6

Employer

AND TO:
Ronald P. Gagnon, LL.B.
Senior Manager, Financial Advisory
Samson Belair/Deloitte & Touche Inc.
1111 rue St.-Charles Ouest
Bureau 550 - Tour Est
Longueuil, Quebec J4K 5G4

Trustee in Bankruptcy

AND TO:
Charlie Renaud
Service Employees International Union (Local 204)
2180 Steeles Avenue W., Suite 200
Concord, ON L4K 2Z5

Union Representative

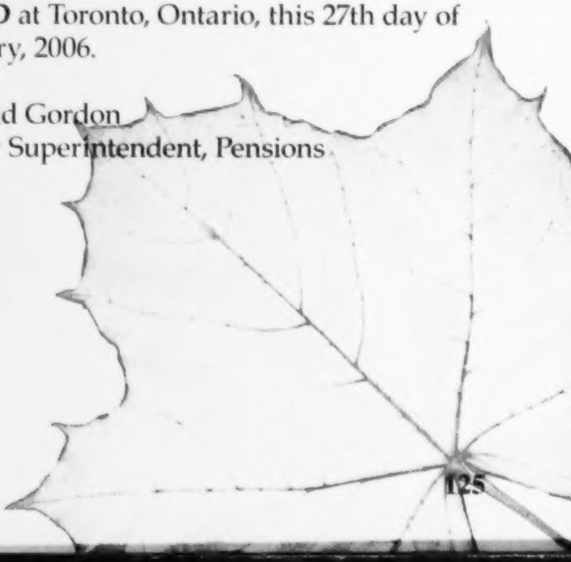
ALLOCATION

WHEREAS on **February 21, 2006**, the Director, Pension Plans Branch, by order and by delegated authority from the Superintendent of Financial Services declared, pursuant to sections 83 and 89 of the *Act,* that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Pension Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Pension Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the *Act* (the "Regulation"), an amount not to exceed **$1,024,100** which together with the Ontario assets of the Pension Plan, will provide for the benefits determined in accordance with section 34 of the Regulation. Any money allocated from the Guarantee Fund but not required to provide such benefits shall be returned to the Guarantee Fund.

DATED at Toronto, Ontario, this 27th day of February, 2006.

K. David Gordon
Deputy Superintendent, Pensions



IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *"Act"*);

AND IN THE MATTER of an Order made by the Superintendent of Financial Services under section 83 of the Act, respecting the **Canadian Drawn Steel Company Inc. Bargaining Unit Pension Plan for Members of United Steelworkers of America** (the "Plan") Registration Number **0988444**.

TO:
David R. Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Robert Boylan
Controller
Canadian Drawn Steel Inc.
155 Chatham Street
Hamilton, ON L8P 2B7

Employer

ALLOCATION

WHEREAS on **January 10, 2006**, the Director, Pension Plans Branch, by order and by delegated authority from the Superintendent of Financial Services declared, pursuant to sections 83 and 89 of the *Act*, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Pension Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Pension Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the *Act* (the "Regulation"), an amount not to exceed **$4,527,200** which together with the Ontario assets of the Pension Plan, will provide for the benefits determined in accordance with section 34 of the Regulation. Any money allocated from the Guarantee Fund but not required to provide such benefits shall be returned to the Guarantee Fund.

DATED at Toronto, Ontario, this 27th day of March, 2006.

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *"Act"*);

AND IN THE MATTER of an Order made by the Superintendent of Financial Services under section 83 of the *Act*, respecting the **Canadian Drawn Steel Company Inc. Retirement Plan for Salaried Employees** (the "Plan") Registration Number **0988196.**

TO:
David R. Kearney
Principal
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO:
Robert Boylan
Controller
Canadian Drawn Steel Inc.
155 Chatham Street
Hamilton, ON L8P 2B7

Employer

ALLOCATION

WHEREAS on **December 21, 2005**, the Director, Pension Plans Branch, by order and by delegated authority from the Superintendent of Financial Services declared, pursuant to sections 83 and 89 of the *Act*, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Pension Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Pension Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the *Act* (the "Regulation"), an amount not to exceed **$3,026,100** which together with the Ontario assets of the Pension Plan, will provide for the benefits determined in accordance with section 34 of the Regulation. Any money allocated from the Guarantee Fund but not required to provide such benefits shall be returned to the Guarantee Fund.

DATED at Toronto, Ontario, this 27th day of March, 2006.

K. David Gordon
Deputy Superintendent, Pensions

IN THE MATTER of the *Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended (the *"Act"*);

AND IN THE MATTER of an Order made by the Superintendent of Financial Services under section 83 of the *Act*, respecting the **Pension Plan for Hourly Employees of Chun King Canada Inc.** (the "Plan") Registration Number **0597450.**

TO: Al Kiel
Partner
Morneau Sobeco Limited Partnership
895 Don Mills Road, Suite 700
One Morneau Sobeco Centre
Toronto, ON M3C 1W3

Administrator

AND TO: Pension Plan Administrator
Chun King of Canada Inc.
1019 Elliot Street West
Windsor, ON N9A 5Z8

Employer

AND TO: Ron Milkins
United Food and Commercial Workers Union Local 459
261 Erie Street
Leamington, ON N8H 3C4

Union Representative

ALLOCATION

WHEREAS on **May 9, 2006**, the Director, Pension Plans Branch, by order and by delegated authority from the Superintendent of Financial Services declared, pursuant to sections 83 and 89 of the *Act*, that the Pension Benefits Guarantee Fund (the "Guarantee Fund") applies to the Pension Plan;

NOW THEREFORE I shall allocate from the Guarantee Fund and pay to the Pension Plan, pursuant to subsection 34(7) of R.R.O. 1990, Reg. 909, under the *Act* (the "Regulation"), an amount not to exceed **$447,500** which together with the Ontario assets of the Plan, will provide for the benefits determined in accordance with section 34 of the Regulation. Any money allocated from the Guarantee Fund but not required to provide such benefits shall be returned to the Guarantee Fund.

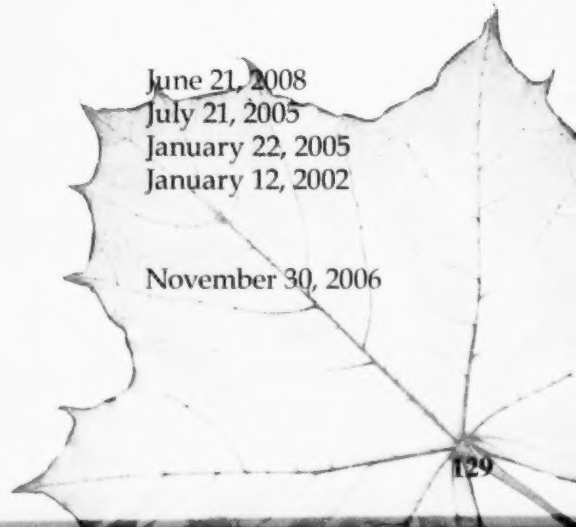
DATED at Toronto, Ontario, this 26th day of May, 2006.

K. David Gordon
Deputy Superintendent, Pensions

FINANCIAL SERVICES TRIBUNAL ACTIVITIES

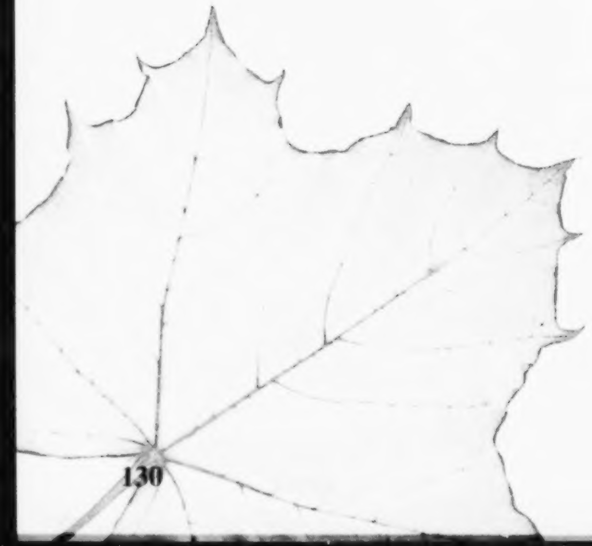
Appointments of Financial Services Tribunal Board Members

Name and O.C.	Effective Appointment Date	Expiry Date
McNairn, Colin (Chair)		
O.C. 1518/2004	August 11, 2004	August 10, 2006
O.C. 1192/2004	June 9, 2004	September 8, 2004
O.C. 1623/2001	June 20, 2001	June 19, 2004
O.C. 1809/98	July 8, 1998	July 7, 2001
Corbett, Anne (Vice-Chair)		
O.C. 1519/2004	August 11, 2004	August 10, 2006
O.C. 1193/2004	June 9, 2004	September 8, 2004
O.C. 1438/2001	June 20, 2001	June 19, 2004
Solursh, John M. (Vice-Chair)		
O.C. 2407/2004	February 25, 2005	February 24, 2008
O.C. 1521/2004	August 11, 2004	August 10, 2006
Bharmal, Shiraz Y.M.		
O.C. 1466/2005	September 21, 2005	September 20, 2008
O.C. 1511/2002	September 9, 2002	September 8, 2005
Brown, Martin J. K.		
O.C. 1522/2004	August 11, 2004	August 10, 2006
Erlichman, Louis		
O.C. 1082/2005	June 22, 2005	June 21, 2008
O.C. 44/2005	January 22, 2005	July 21, 2005
O.C. 439/2002	January 23, 2002	January 22, 2005
O.C. 2527/98	December 9, 1998	December 8, 2001
O.C. 1592/98	June 17, 1998	December 16, 1998
Gavin, Heather		
O.C. 1083/2005	June 22, 2005	June 21, 2008
O.C. 45/2005	January 22, 2005	July 21, 2005
O.C. 440/2002	January 23, 2002	January 22, 2005
O.C. 11/99	January 13, 1999	January 12, 2002
Harmer, Lily		
O.C. 2043/2004	December 1, 2004	November 30, 2006



Appointments of Financial Services Tribunal Board Members

Name and O.C.	Effective Appointment Date	Expiry Date
Holden, Florence A.		
O.C. 1523/2004	August 11, 2004	August 10, 2006
Litner, Paul W.		
O.C. 1465/2005	September 21, 2005	September 20, 2008
O.C. 1512/2002	September 9, 2002	September 8, 2005
Scane, Ralph Edward		
O.C. 1520/2004	August 11, 2004	August 10, 2006
Shilton, Elizabeth		
O.C. 758/2005	May 18, 2005	May 17, 2008
Short, David A.		
O.C. 2095/2004	November 3, 2004	November 2, 2006
O.C. 2118/2001	October 24, 2001	October 23, 2004



Pension Hearings Before the Financial Services Tribunal

Revised Retirement Plan for Employees of the Allen-Bradley Division of Rockwell International of Canada (now the Pension Plan for Employees of Rockwell Automation Canada Inc.), Registration Number 321554, and the Pension Plan for Salaried and Management Employees of Reliance Electric Limited, Registration Number 292946; FST File Number P0051-1999;

On May 18, 1999, certain members (the "Applicants") of the Pension Plan for Salaried and Management Employees of Reliance Electric Limited (the "Reliance Plan") requested a hearing regarding a decision of the Director of the Pension Plans Branch of the Financial Services Commission of Ontario, dated March 30, 1999, acting under delegated authority from the Superintendent of Financial Services (the "Superintendent"), to consent to the transfer of assets from the Reliance Plan to the Revised Retirement Plan for Employees of the Allen-Bradley Division of Rockwell International of Canada (the "Rockwell Plan").

On June 2, 1999, an application for party status was filed by Rockwell Automation Canada Inc. At the pre-hearing conference on July 6, 1999 full party status was granted. The matter was then adjourned sine die as the Applicants indicated that an application would be made to the Superintendent requesting a wind up of the Reliance Plan and all parties agreed that it would be premature to proceed in this matter until the Superintendent has made a decision respecting the request for wind up. By letter of September 14, 2000, the request for wind up was denied.

The pre-hearing conference resumed on January 20, 2005, and subsequently continued on May 2, June 16, July 11 and November 9, 2005. The hearing was scheduled to proceed on November 16, and continue on November 21 and 22, 2005. On November 15, 2005, the Applicants requested an adjournment to November 21, 2005, on consent of all parties. That request was granted. The hearing was held on November 21, 2005. In a decision dated February 20, 2006, the Tribunal upheld the decision of the Superintendent to consent to the transfer of assets from the Reliance Plan to the Rockwell Plan. The Reasons for Decision were published in Volume 15, Issue 1 of the Pension Bulletin.

On March 8, 2006, a Notice of Appeal was filed by Michael Lennon, on behalf of the members of the Reliance Plan, with the Ontario Divisional Court.

Schering-Plough Healthcare Products Canada Inc. Salaried Employees' Pension Plan, Registration Number 297903; FST File Number P0085-1999;

On November 10, 1999, Schering-Plough Healthcare Products Canada Inc. filed a request for hearing regarding the Superintendent's Notice of Proposal dated October 14, 1999, ordering Schering-Plough Healthcare Products Canada Inc. to amend the partial wind up report with respect to its salaried pension plan as at August 31, 1996, so that provision is made for the distribution of the surplus attributable to the partial wind up group. On March 27, 2000, Ken Reynolds, Michel Gariepy, Edward Taylor and Jim Wilson, being some of the members of the partial wind up group, filed an application for party status.

The matter was adjourned sine die on May 10, 2000 pending the outcome of the Monsanto case. On July 29, 2004, the Supreme Court of Canada released its decision in the Monsanto case. On September 2, 2004, the Superintendent requested that a pre-hearing conference be scheduled.

The pre-hearing conference scheduled on December 15, 2004, was adjourned on consent of the parties and rescheduled for March 30, 2005. On March 10, 2005, the parties advised that a revised partial wind up report was filed with the Superintendent and requested that the pre-hearing conference, rescheduled for March 30, 2005, be adjourned pending the issue of an amended notice of proposal. On March 14, 2005, the matter was adjourned sine die. On June 3, 2005, the Superintendent requested that the matter be brought back on for a pre-hearing conference. At the pre-hearing conference on September 27, 2005 full party status was granted to the Estate of Ken Reynolds, Michel Gariepy, Edward Taylor and Jim Wilson. On January 9, 2006 the Tribunal heard oral arguments from the parties. In its Reasons for Decision dated April 12, 2006, the Tribunal upheld the Superintendent's Notice of Proposal. The Reasons are published in this bulletin on page 155.

Slater Steel Inc. Pension Plan for Corporate Employees and Salaried Employees of the Hamilton Specialty Bar Division, Registration Number 308338; FST File Number P0203-2002;

On June 2, 2003, an Order was issued by the Ontario Superior Court of Justice in relation to Slater Steel Inc. pursuant to the Companies' Creditors Arrangement Act, R.S.C. 1985, c. C-36. The Order includes a stay of all proceedings. The hearing in this matter originally scheduled for October 8-10, 15-16, 2003, therefore, did not proceed.

On February 23, 2006, the Tribunal issued to the Applicant, a Notice of Intention to Dismiss the proceeding in accordance with Rule 37 of the Rules of Practice and Procedure for Proceedings Before the Financial Services Tribunal. On March 23, 2006, the Tribunal extended the notice period to April 10, 2006, in response to a request from a group of affected Plan members whose interests might be adversely affected by the Superintendent's proposed partial wind up order, which was the subject of the proceeding before the Tribunal. The basis of the request was to permit time for steps to be taken to review the Plan documents and related materials and to obtain expert actuarial advice. On April 12, 2006, in the absence of any further representations from the potentially affected Plan members, the Tribunal dismissed the matter and issued a Notice of Dismissal.

Paramount Pictures (Canada) Inc., Retirement Plan for Salaried Employees of Famous Players and Subsidiary and Affiliated Companies, Registration Number 552752; FST File Number P0248-2005;

On January 7, 2005, Paramount Pictures (Canada) Inc. (the "Employer") requested a hearing regarding three Notices of Proposal of the Deputy Superintendent, Pensions, dated December 3, 2004, proposing to:

- refuse to approve a report, dated May 7, 2002, on the actuarial valuation of the retirement plan for the salaried employees of the Employer (the "Pension Plan") as at December 31, 2001;

- refuse consent to an application, dated January 9, 2003, submitted by the Employer, for the withdrawal of surplus on the wind up of the Pension Plan; and
- make an Order winding up the Pension Plan effective December 31, 2001.

The approval and consent were sought by the Employer pursuant to ss. 70(5), and 78(1), respectively, of the Pension Benefits Act (the "Act") and the Order was proposed to be made by the Deputy Superintendent under s. 69(1)(a) of the Act.

The Deputy Superintendent refused to approve the report on the actuarial valuation of the Pension Plan because the proposal to wind up the Plan was not unconditional, being dependent on the Employer obtaining the necessary regulatory and court approvals, and because the report did not, apparently, include all the members affected by the Plan termination.

The request for approval of the surplus withdrawal application was refused because:

- the Pension Plan was not being wound up given the contingent nature of the wind up proposal, in which case consent of all the Plan members to any withdrawal of surplus was required, as it was an on-going pension plan, but such unanimous approval was not obtained;
- the Plan did not provide for payment of surplus to the Employer on wind up of the Plan as there was a trust, for the benefit of the members of the Plan, in respect of the pension fund for the Plan and as no power was reserved to revoke that trust, the amendments to the terms of the trust providing that, at termination of the Plan, any surplus in the pension fund should be paid to the Employer, were invalid.

The Deputy Superintendent proposed to make the Order winding up the Pension Plan, effective December 31, 2001, on the basis that as at May 31, 2001 there was a cessation of employer contributions to the pension fund as evidenced by notices sent by the Employer to the members on that date proposing to terminate the Plan and share the surplus with the members and by the report on the actuarial valuation of the Plan as at December 31, 2001, which indicated that there were no active members and that the Employer was not required to make contributions to the Plan.

The pre-hearing conference scheduled for April 5, 2005 was adjourned on March 31, 2005, at the request of the parties, in favour of a settlement conference. After a settlement conference held on June 1, 2005, the parties agreed to inform the Registrar when they wished to proceed with the matter before the Tribunal.

On August 4, 2005, Gerry Dillon, a former member of the Plan, acting in a representative capacity in the interests of all plan beneficiaries, filed an application for party status. On September 23, 2005, the pre-hearing conference resumed at which time full party status was granted to Mr. Dillon. The parties sought an adjournment of the proceedings on the basis that a class action proceeding was about to be commenced in the Ontario Superior Court with respect to the issue of entitlement to surplus. The parties anticipated that the action would be certified as a class proceeding in October 2005, and that the application would be heard by the Court in January 2006. In order to permit the application to proceed, the Tribunal ordered the pre-hearing conference adjourned to January 31, 2006.

At a resumption of the pre-hearing conference on January 31, 2006, the matter was further adjourned to April 26, 2006, since the date of April 11, 2006 had been scheduled as the date for the Ontario Superior Court of Justice to consider a proposed settlement in the class action. The resumption of the pre-hearing conference was subsequently adjourned to May 4, 2006 and then further adjourned to May 29, 2006. At the May 29, 2006 pre-hearing conference, the matter was further adjourned to September 21, 2006 to permit time for the conclusion of the court proceedings.

Donna Capaldi; Retirement Income Plan for Union Employees of Dominion Stores Limited (1979), Registration Number 0005188; FST File Number P0253-2005;

On June 1, 2005, Donna Capaldi, (the "Applicant") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated May 10, 2005, refusing to make an order under sections 42(5), 42(11), and 87(2)(c) of the Pension Benefits Act, requiring the administrator of the Plan to pay certain pension benefits from the Retirement Income Plan for Union Employees of Dominion Stores Limited (1979) to Donna Capaldi, beneficiary of Tony (Antonio) Capaldi.

On August 4, 2005, an application for party status, in this matter, was filed by Domgroup Ltd. (formerly Dominion Stores Limited), the employer and administrator of the Plan. At the pre-hearing conference on October 3, 2005, full party status was granted to Domgroup Ltd.

On November 18, 2005, Domgroup Ltd. filed a Notice of Motion to add Industrial Alliance Insurance ("Industrial Alliance") as a party in this proceeding. That motion was denied by an interim procedural order dated January 9, 2006.

The hearing date of January 24, 2006, was adjourned at the request of the Applicant and on consent of the parties to February 6, 2006. At the hearing on February 6, 2006, the Tribunal considered whether the Applicant had established whether Mr. Capaldi's full pension entitlement was paid from the Plan to his RRSP according to his election, as the Applicant had disputed the amount of the monies transferred. In its Reasons for Decision, the Tribunal found that the Applicant had not established that there was a failure to pay the full amount of Mr. Capaldi's pension entitlement to his RRSP and, therefore, dismissed the Applicant's request and affirmed the Superintendent's Notice of Proposal. The Reasons for Decision dated March 13, 2006 are published in this bulletin on page 149.

Shoppers Drug Mart Inc., Pension Plan for Executives of Shoppers Drug Mart Inc. Registration Number 1066083; FST File Number P0256-2005;

On July 8, 2005, Shoppers Drug Mart Inc. (the "Applicant") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated June 8, 2005, to make an order, under section 69 of the Pension Benefits Act, that the Plan be wound up in part in relation to those members of the

Plan who ceased to be members of the Plan as a result of cessation of employment with the Applicant on or before January 15, 2003.

The Notice of Proposal indicates that the reasons for the proposed order are that:

- the members who ceased employment with the Applicant during the relevant period did so as a result of a reorganization of the business of the Applicant and represented a significant number of members of the Plan; and
- the Applicant had not offered all of those members the same level of termination benefits, under an unregistered supplementary pension plan, that would be available under the Act in the event of a partial wind up of the Plan, in which case there was no discretionary basis for the Superintendent refusing to order a partial wind up.

The pre-hearing conference was held on November 17, 2005, at which time the parties agreed to continue with the pre-hearing conference on April 3, 2006 in order to deal with disclosure and interrogatory issues. On March 3, 2006, an application for party status was filed by Eddie Mainiero, a member of the Plan, and full party status was granted to Mr. Mainiero on April 3, 2006. At the pre-hearing conference, the parties agreed to participate in a settlement conference. The settlement conference is scheduled for September 20, 2006.

Hydro One Members Committee; Hydro One Pension Plan Registration Number 1059104; FST File Number P0257-2005;

On July 29, 2005, the Hydro One Members Committee, (the "Applicant") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated July 14, 2005, refusing to make an order, under section 69 of the Pension Benefits Act (the "Act"), that the Plan be wound up in part in relation to those members of the Plan whose employment terminated between January 1, 2002 and December 31, 2002.

The Notice of Proposal recites that:

- the Superintendent received no evidence that four "initiatives", announced by Hydro One Inc., which resulted in the cessation of these members, were connected;
- two of the "initiatives" did have such a result, but the affected members were part of an early retirement program and they received benefits at least equal to those they would have received on a partial wind up and they received benefit enhancements paid out of surplus assets, in which case there was a discretionary basis for the Superintendent declining to order a partial wind up of the Plan; and
- one of the "initiatives" involved an asset transfer under section 80 of the Act, in which case the affected members employment was deemed to have continued.

On August 24, 2005, an application for party status, in this matter, was filed by Hydro One Inc. On September 19, 2005, an application for party status was filed by the Power Workers' Union. On December 9, 2005, an application for party status was filed by the Society of Energy Professionals.

The pre-hearing conference was held on December 20, 2005, at which time the two applications for party status were granted. On May 1, 2006, the parties participated in a settlement conference to deal with issues surrounding disclosure. On May 8, 2006, the Tribunal heard a motion brought by the Applicants for production of documents and interrogatories at which time the Tribunal reserved its decision. The hearing in this matter is scheduled for October 3, 4, 5 and 6, 2006.

Board of Trustees of the Labourers Pension Fund of Central and Eastern Canada, Registration Number 0573188; FST File Number P0258-2005;

On August 4, 2005, the Board of Trustees of the Labourers Pension Fund of Central and Eastern Canada (the "Applicant") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated July 7, 2005, proposing to order the administrator of the Plan, pursuant to section 88 of the Pension Benefits Act, to prepare and file a new actuarial valuation report as at December 31, 2003, in respect of the Plan, that complies with sections 6, 14, 16 and 17 of Regulation 909, (the "Regulation") and, specifically, which includes either,

(1) the results of such tests performed on both a going concern and solvency basis as will demonstrate the sufficiency of the contributions to provide for the benefits set out in the Plan without consideration of any provision for reduction of benefits set out in the Plan; or

(2) where contributions are not sufficient to provide the benefits under the Plan as determined on both a going concern and solvency basis, a proposal by the actuary of options available to the administrator of the Plan that will have the result that the required contributions will be sufficient to provide the benefits under the Plan on both a going concern and solvency basis.

At a pre-hearing conference on November 1, 2005, the parties agreed to schedule a motion to deal with disclosure of documents, interrogatories, and the admissibility of certain documents and to determine the recipients of any notice of hearing. The motion was scheduled for April 24, 2006. On April 4, 2006, the Applicant withdrew the Request for Hearing.

Jerry Coelho, Kerry Wilson, and the Trustees of the Canadian Bricklayers and Allied Craft Union Members Pension Trust, Bricklayers & Trowel Trades International Pension Plan, Registration Number 392175; Canadian Bricklayers and Allied Craft Union Members Pension Trust, Registration Number 1063478; FST File Number P0259-2005;

On September 27, 2005, Kerry Wilson and the Trustees of the Canadian Bricklayers and Allied Craft Union Members Pension Trust ("CMPT") (the "Applicants"), requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated September 13, 2005, refusing to order the Board of Trustees of the Bricklayers and Trowel Trades International Pension Plan, Registration Number 392175 (the

"International Plan") to transfer certain assets of the International Plan to the Canadian Bricklayers and Allied Craft Union Members Pension Trust, Registration Number 1063478 pursuant to section 80(8) and (9) of the Pension Benefits Act (the "Act"). The reason for the proposed refusal, as stated in the Notice of Proposal, was that the International Plan had been effectively wound up, on a voluntary basis, so that there was no plan from which to transfer the assets pursuant to section 80(8) and (9) of the Act.

On November 1, 2005, an application for party status in this matter was filed by the Board of Trustees of the Bricklayers and Trowel Trades International Pension Plan (the "Trustees of IPF Canada").

At a pre-hearing conference on January 16, 2006, full party status was granted to the Trustees of IPF Canada. At the pre-hearing conference, the parties agreed to schedule a motion to resolve the jurisdictional issue raised by the Trustees of IPF Canada, i.e. whether the request for hearing was filed out of time, as well as an adjournment request made by the Trustees of IPF Canada. The motion was scheduled for April 6, 2006, and was further rescheduled to May 25, 2006, to accommodate the parties' request to participate in a settlement conference which took place on April 6, 2006. On May 15, 2006, the parties filed a joint request for adjournment of the motion hearing date to allow for further settlement discussions to take place. The adjournment request was granted and the motion hearing is rescheduled for October 31, 2006.

Bricklayers & Trowel Trades International Pension Fund – Canada, Registration Number 0392175; FST File Number P0261-2005;

On October 25, 2005, the Board of Trustees of the Bricklayers & Trowel Trades International Pension Fund – Canada (the "Applicant"), requested a hearing regarding two Notices of Proposal of the Deputy Superintendent, Pensions, dated October 4, 2005, proposing to order the administrator of the Plan, referred to below, to prepare and file new actuarial valuation reports, as at January 1, 2003 and December 31, 2003, in respect of the Bricklayers & Trowel Trades International Pension Fund – Canada, Registration Number 0392175 (the "Plan") that comply with sections 6, 14, 16 and 17 of Regulation 909 (the "Regulation") and, specifically, which include either,

(1) the results of such tests performed on both a going concern and solvency basis as will demonstrate the sufficiency of the contributions to provide for the benefits set out in the Plan without consideration of any provision for reduction of benefits set out in the Plan; or

(2) where contributions are not sufficient to provide the benefits under the Plan as determined on both a going concern and solvency basis, a proposal by the actuary of options available to the administrator of the Plan that will have the result that the required contributions will be sufficient to provide the benefits under the Plan on both a going concern and solvency basis.

At a pre-hearing conference on January 26, 2006, the Applicant indicated that it was seeking the same disclosure of documents and replies to interrogatories that were being sought in the Labourers proceeding (FST File Number P0258-2005). The Applicant did not intend to bring a separate motion in this proceeding but agreed to be bound by the results of the disclosure motion in the Labourers proceeding. The matter was adjourned sine die on consent, pending the resolution of the disclosure motion in the Labourers proceeding.

At a settlement conference on March 27, 2006, the parties held discussions and agreed to resume the settlement conference on June 13, 2006.

Board of Trustees; International Union of Painters and Allied Trades Province of Ontario Pension Plan, Registration Number 391680; FST File Number P0262-2005;

On November 14, 2005, the Board of Trustees of the International Union of Painters and Allied Trades of Ontario Pension Plan (the "Applicants") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated October 19, 2005, proposing to make an order that the Painters and Allied Trades Pension Plan (the "Plan") be administered by the Board of Trustees of the Plan without regard to Amendment No. 3 to the Plan, dated May 1, 1998, and to revoke the registration of Amendment No. 3 to the Plan.

Amendment No. 3 provides that the Residential Painting Contractors of Ontario, one of several associations and unions that entered into the agreement and declaration of trust (the "Trust Agreement") by which the trust fund for the Plan was established, shall no longer appoint members to the board of trustees for the Plan and that trustees appointed by it tender their resignations, which resignations are accepted.

The stated basis for the Notice of Proposal is that Amendment No. 3 was not an effective amendment because it wasn't executed by all of the parties to the Trust Agreement in accordance with the amending provision of that Agreement and the terms of the Amendment were not consistent with the provisions of the Trust Agreement establishing procedures for the resignation and removal of trustees.

On December 14, 2005, an application for party status in this matter was filed by the Acoustical Association of Ontario, another party to the Trust Agreement.

On February 2, 2006, an application for party status in this matter was filed by the Residential Painting Contractors of Ontario.

A pre-hearing conference was scheduled for March 29, 2006. On March 27, 2006, the Applicants withdrew the Request for Hearing.

Elaine Desforges and Michael Kozlowski; Retired Income Plan of Falconbridge Limited and Associated Companies, Registration Number 0215046; FST File Number P0264-2005;

On December 16, 2005, Elaine Desforges and Michael Kozlowski (the "Applicants") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated November 24, 2005, proposing to refuse to make an order that Elaine Desforges and Michael Kozlowski be included in the voluntary partial wind up effective January 1, 2000 of the Falconbridge Limited pension plan (the "Plan"), pursuant to section 69(1)(d) of the Pension Benefits Act.

The refusal of the Deputy Superintendent to make the order requested by the Applicants was based on his conclusions that:

- the Applicants were terminated outside the wind up period in respect of the voluntary partial wind up associated with the reorganization of Falconbridge's Sudbury Division;
- there was no reorganization of Falconbridge's Technology Centre, where the Applicants worked; and
- if there was such a reorganization, it did not affect a significant number of members of the Plan.

On January 11, 2006, an application for party status was filed in this matter by Falconbridge Limited.

On March 7, 2006, the pre-hearing conference scheduled for March 22, 2006 was adjourned to May 24, 2006, to permit the Applicants' newly retained counsel time to prepare for the pre-hearing conference. At the pre-hearing conference on May 24, 2006, full party status was granted to Falconbridge Limited and the parties agreed to resume the pre-hearing conference on August 18, 2006 in order to permit time for the production of documents.

Honeywell ASCa Inc.; Allied Signal Canada Inc. Retirement Plan for Salaried Employees (now Honeywell ASCa Retirement Plan for Salaried Employees), Registration Number 0222695; FST File Number P0265-2006;

On January 20, 2006, Honeywell ASCa Inc. requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated December 22, 2005, proposing to refuse to approve an actuarial report on the partial wind up, as at December 31, 1992, of the pension plan now called the Honeywell ASCa Retirement Plan for Salaried Employees (the "Plan") in relation to the members and former members of the Plan who ceased to be employed as a result of the closure of the Bendix Heavy Vehicle Systems location in London, Ontario on or about December 31, 1992. The Deputy Superintendent also proposed, in the same Notice of Proposal, to order that an amended partial wind up report be prepared and filed providing for an immediate distribution to the members and former members affected by the partial wind up of all the surplus related to the partial wind up.

The basis for the proposal to refuse to approve the partial wind up report was its failure to set out the methods of allocating and distributing surplus assets related to the wound up portion of the Plan. The basis for the proposal to order the preparation and filing of an amended wind up report was that the report ought to provide for the distribution of the surplus assets to the members and former members affected by the partial wind up. While the Plan and the trust agreement relating to the pension fund for the Plan had been amended to provide for the reversion of surplus to the employer, the Deputy Superintendent concluded that these amendments were inconsistent with the terms of the original Plan and trust agreement, in which case the members and former members were entitled to the surplus in accordance with the terms of the original Plan and trust agreement.

On January 30, 2006, an application for party status was filed by Jaqueline Briand, a former member of the Plan. At a pre-hearing conference on April 5, 2006, full party status was granted to Jaqueline Briand and the matter was adjourned at the request of the parties in order to permit settlement discussions to take place. The pre-hearing conference was scheduled to resume on May 17, 2006 and was further rescheduled to June 21, 2006 and then again to September 22, 2006 at the parties' request to permit the continuation of settlement discussions.

Jacqueline Briand; Allied Signal Canada Inc. Retirement Plan for Salaried Employees (now Honeywell ASCa Retirement Plan for Salaried Employees), Registration Number 0222695; FST File Number P0266-2006;

On January 30, 2006, Jacqueline Briand (the "Applicant") requested a hearing in respect of the position of the Superintendent of Financial Services (the "Superintendent") evidenced by a letter dated January 3, 2006, from a pension officer in the Pension Plans Branch of the Financial Services Commission of Ontario to counsel for the Applicant, to the effect that there were no grounds for the Superintendent appointing an administrator for the Honeywell ASCa Retirement Plan for Salaried Employees (the "Plan") pursuant to s. 71 of the Pension Benefits Act (Ontario) because there was no indication that the Plan does not have an administrator or that the administrator was failing to act.

On February 6, 2006, an application for party status was filed by Honeywell ASCa Inc. At a pre-hearing conference on April 5, 2006, full party status was granted to Honeywell ASCA Inc. and the matter was adjourned at the request of the parties in order to permit settlement discussions to take place. The pre-hearing conference was scheduled to resume on May 17, 2006, and was further rescheduled to June 21, 2006 and then again to September 22, 2006 at the parties' request to permit the continuation of settlement discussions in the interim.

Loba Limited; Pension Plan for Employees of Loba Limited, Registration Number 1026335; FST File Number P0267-2006;

On February 2, 2006, Loba Limited (the "Applicant") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated January 5, 2006, proposing to make an order, under section 69 of the Pension Benefits Act (the "Act"), that the Pension Plan for Employees of Loba Limited (the "Plan") be wound up in whole effective May 1, 2005.

The Notice of Proposal indicates that the reason for the proposed order is that there was a cessation or suspension of employer contributions to the pension fund for the Plan within the meaning of s. 69(1)(a) of the Act by virtue of the following circumstances:

- the Canada Revenue Agency had revoked the registration of the Plan under the Income Tax Act (Canada), effective April 1, 2000, for failure to comply with the provisions of that Act and an appeal from that decision had been unsuccessful;

- the Applicant had filed an amendment to the Plan to suspend all member contributions to the Plan, effective May 1, 2005, which amendment was registered on November 1, 2005.

The Notice of Proposal also states that there would be no benefit to members of the Plan in not winding up the Plan and no reason for the Superintendent to refrain from exercising his discretion to order a wind up of the Plan.

A pre-hearing conference was scheduled for April 20, 2006. On February 24, 2006, the Applicant requested an adjournment of the pre-hearing conference in order to permit the adjudication of the Applicant's Application to Register a Pension Plan dated December 21, 2005, (the "CRA Application"), filed with the Canada Revenue Agency (the "CRA"). The Superintendent responded to the request by agreeing to an adjournment only until the earliest of:

1. The date the CRA provides its decision in respect of the CRA Application; and
2. September 14, 2006.

On March 28, 2006, the Tribunal held a discussion with the parties to seek clarification with respect to the Applicant's request for an adjournment of the pre-hearing conference. The request was subsequently granted and the pre-hearing conference is now scheduled for June 14, 2006.

Canron Construction Inc.; Pension Plan for the Hourly Employees of Canron Construction Inc., Registration Number 1044288; FST File Number P0268-2006;

On February 28, 2006, Canron Construction Inc. (the "Applicant") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated January 27, 2006, ordering the Applicant, pursuant to s.88 (2)(c) of the Pension Benefits Act (the "Act") to file a revised version of a wind up report, dated June 3, 2004, with respect to the wind up of the Plan, within 30 days of the Notice of Proposal. The revised wind up report was to include provision for payment of bridge benefits, under clause 8.02(d) of the Plan, for all plan members affected by the wind up who had a combination of age plus years of service totalling 85 or, who would have grown into age plus years of service totalling 85 at retirement if they had age plus years of service totaling 55.

The Notice of Proposal indicates that the reason for the proposal is that the report should have shown the bridge benefits as a liability of the Plan, even though the members who would have been entitled to those benefits were terminated, since s. 74(3) of the Act provides that such benefits shall be included in calculating the pension benefits, on the wind up of a pension plan, of employees with at least 10 years of continuous employment or at least 10 years of membership in the plan.

A pre-hearing conference was scheduled for May 19, 2006. On March 29, 2006, the Applicant requested a postponement of the pre-hearing conference in order to allow for settlement discussions between the parties. The Tribunal postponed the pre-hearing conference and a settlement conference was scheduled for May 18, 2006. The matter did not settle and the pre-hearing conference was rescheduled to July 10, 2006.

Blair Smears; CCSI Technology Solutions Corp. Retirement Program, Registration Number 0546101; FST File Number P0269-2006;

On February 23, 2006, Blair Smears (the "Applicant") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated February 16, 2006, refusing to make an order that the administrator of the CCSI Technology Solutions Corp. Retirement Program the ("Plan") pay an amount into the Applicant's retirement account under the Plan equal to the commuted value of the deferred pension to which the Applicant claimed to be entitled. The Applicant argued, in representations to the Superintendent, that he was entitled to a deferred pension because his term of 22 months employment with the Applicant when added to three weeks of mandatory notice of termination under the Employment Standards Act (the "ESA") exceeded 24 months of continuous employment, the period for qualification for a deferred pension under s. 37 of the Pension Benefits Act (the "PBA"). The Superintendent contends there was no contravention of the PBA or the Plan that would result in the Superintendent having authority to grant the requested order.

On March 14, 2006, an application for party status was filed by CCSI Technology Solutions Corp. ("CCSI"). At a pre-hearing conference on May 4, 2006, full party status was granted to CCSI. The parties agreed that the issues for determination by the Tribunal at the hearing should be framed as follows:

1. In determining whether to grant the relief sought by the Applicant, does the Tribunal have the authority and jurisdiction to interpret and apply the ESA?
2. Assuming question (a) is answered in the affirmative, is the Tribunal the appropriate forum for determining the matters raised in the hearing?
3. Assuming questions (a) and (b) are answered in the affirmative, does the Applicant have entitlement to a deferred pension under the terms of the Plan or the PBA?
4. Given the answers to questions (a) through (c), what (if any) remedy should be granted?

A hearing is scheduled for August 8, 2006.

National Steel Car Limited; Pension Plan for Employees of National Steel Car Limited, Registration Number 0215038; FST File Number P0271-2006;

On March 7, 2006, National Steel Car Limited (the "Applicant") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated February 6, 2006, ordering the Applicant to credit Mr. Taso Ristic, a former member of the Pension Plan for Employees of National Steel Car Limited, Registration Number 0215038 (the "Plan"), with service under the Plan for period or periods of time during which Mr. Ristic was laid off from employment and receiving partial permanent disability benefits from the Workplace Safety and Insurance Board ("WSIB"). The basis for the proposed order is that the Plan provides that the time an employee member received worker's compensation benefits shall be treated as credited service under the Plan at the rate of 40 hours per week.

On April 13, 2006, an application for party status was filed by Mr. Taso Ristic. A pre-hearing conference is scheduled for June 5, 2006.

Ivaco; Pension Plan for Salaried Employees of Ivaco Inc. and Participating Subsidiary Companies, Registration Number 0410357; FST File Number P0273-2006;

On April 26, 2006, Ivaco Inc. through its monitor Ernst & Young Inc. (the "Applicant") requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated March 27, 2006, proposing to make a declaration under s.83 of the Pension Benefits Act (the "Act") that the Pension Benefits Guarantee Fund applies to the Plan for the following reasons:

1. The Plan is registered under Quebec's Supplemental Pension Plans Act, a designated province stipulated under s.1 of the Act,
2. The Plan provides defined benefits that are not exempt from the application of the Pension Benefits Guarantee Fund by the Act or the Regulations made thereunder,
3. The plan was wound up effective December 1, 2004, and
4. There are reasonable and probable grounds that the funding requirements of the Act and Regulations cannot be satisfied.

This matter stands adjourned due to a stay of proceedings by order of the Ontario Superior Court of Justice issued pursuant to the Companies' Creditors Arrangement Act, R.S.C. 1985, c. C-36.

United Steelworkers; Pension Plan for the Aluminum Brick and Glass Workers International Union Retirement & Pension Plan Registration Number 0009838 to the United Steel Workers of America (International Union) Staff Pension Plan Registration Number 0008964; FST File Number P0274-2006;

On May 5, 2006, United Steelworkers (the "Applicant"), requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated April 6, 2006, ordering that:

1. the administrator of the Aluminum Brick and Glass Workers International Union Retirement & Pension Plan Registration No.0009838 (the "ABG Plan") file a report on the actuarial valuation for the assets transferred from the ABG Plan to the United Steel Workers of America (International Union) Staff Pension Plan Registration No. 0008964 ("USWA Staff Plan") within 90 days from the date of the proposal; and
2. the assets transferred from the ABG Plan to the USWA Staff Plan be returned to the ABG Plan together with the accrued interest within 90 days from the date of the proposal pursuant to section 81(6) of the Pension Benefits Act (the "Act"); and
3. the financial statements due by

September 30, of 2001, 2002, 2003, 2004 and 2005; the annual information returns due by December 31, of 2001, 2002, 2003, 2004 and 2005; the Pension Benefits Guarantee Fund assessment certificates due by December 31, of 2001, 2002, 2003, 2004, and 2005; and the actuarial reports due by January 1, of 2001 and 2004, be filed within 90 days from the date of the proposal.

The unions that were sponsors of the ABG Plan and the USWA Staff Plan merged effective January 19, 1997 and the active members of the ABG Plan became members of the USWA Staff Plan for the accrual of future service credits only. The two Plans were subsequently merged and that merger was approved in the United States, where the assets of the trust funds for the two Plans were located, by the relevant U.S. regulators. The Applicant claims that the Superintendent has no jurisdiction over the trust funds for the plans or their transfer, while the Superintendent claims that he has jurisdiction by virtue of the fact that certain Plan members are employed in Ontario and that approval for the transfer of assets from the one Plan to the other should have been obtained under s. 80(4) or 81(4) of the Pension Benefits Act.

A pre-hearing conference is scheduled for September 5, 2006.

Gay Lea Foods Co-operative Limited; Participating Co-operatives of Ontario Trusteed Revised Pension Plan, Registration Number 0345736; FST File Number P0275-2006;

On May 9, 2006, Gay Lea Foods Co-operative Limited, requested a hearing regarding the Notice of Proposal of the Deputy Superintendent, Pensions, dated April 12, 2006, proposing to:

- refuse, pursuant to section 18(1)(d) of the Pension Benefits Act (the "Act"), to register an amendment dated February 27, 2004 and effective March 31, 2003 (the "Amendment") to the Participating Co-operatives of Ontario Trusteed Revised Pension Plan, Registration Number 0345736 (the "Plan") that terminates the Plan effective March 31, 2003 and reduces benefits accumulated prior to that date.

- order that the Board of Trustees of the Plan (the "Trustees") refrain from administering the Plan in accordance with the Amendment to the extent that the Amendment reduces benefits accumulated prior to March 31, 2003;

- order, pursuant to ss.75 and 87 of the Act, that the employers participating in the Plan (the "Employers") pay, in the prescribed manner and at the prescribed times, into the fund for the Plan (the "Fund"), such amounts so that the total of the amounts contributed by all Employers on a joint and several basis equals the sum of:

  (1) the total of all payments that under the Act, the Regulations and under the Act and the Plan are due or that have accrued and that have not been paid into the Fund; and

(2) the amount by which:
    (i) the value of the pension benefits accrued and vested under the Plan, and
    (ii) the value of benefits accrued resulting from the application of ss.39(3) and 74 of the Act, exceed the value of the assets of the Fund;

- order, pursuant to s.87 of the Act, that consequent upon a finding that the Employers are required to contribute to the Plan under s.75 of the Act, the Trustees refrain from reducing pension payments to retired members (or their surviving spouses, if applicable) due on and after April 1, 2003 and refrain from reducing pension payments to new retired members due on and after April 1, 2003 and that such reductions implemented thus far be reversed by refunding the difference between the full benefit entitlement under the Plan and the reduced amounts actually paid with interest;

- refuse, pursuant to s.70(5) of the Act, to approve a wind up report filed by the Trustees and dated February 28, 2004 with respect to a full wind up of the Plan effective March 31, 2003; and

- order, pursuant to s.88 of the Act, that the Trustees prepare and file a new wind up report that among other things, addresses the defects set out in the Notice of Proposal and, specifically, contains:
    i. a statement of benefits to be provided under the Plan to members, former members and other persons without regard to the reductions contemplated in the Amendment and notice of wind up of the Plan dated April 1, 2003 (the "Notice");
    ii. a distribution scheme for the assets of the Plan without regard to the benefit reductions set out in the Amendment and Notice; and
    iii. provision for the fact that the Employers are required to make additional contributions under the Act.

The Superintendent has taken the position that:

- the Plan text prohibits amendments to the Plan that reduce benefits accumulated prior to the date of the amendment;

- no payments are being made, or are anticipated to be made, into the Fund by any of the Employers to reduce or eliminate the unfunded liability of the Plan as at March 31, 2003, although s.75 of the Act requires employers participating in a pension plan that is to be wound up to pay into the plan amounts that are due or have accrued but are unpaid and amounts by which the liabilities under the plan exceed the assets in the plan.
- the Notice provides for reductions in payments for retired members (in addition to the reductions set out in the Amendment) which are not permitted

by the Act or the Regulations thereunder.

On May 11, 2006, requests for hearing were also filed by:

- the Board of Trustees of Participating Co-operatives of Ontario Trusteed Pension Plan,
- Cochrane Farmers Co-operative,
- Green Lea AG Center Inc.
- Huron Bay Co-operative Inc.
- Inland Co-operative Inc.
- Lucknow District Co-operative Inc.
- Madoc Co-operative Association
- Manitoulin Livestock Co-operative
- North Wellington Co-operative Services Inc.
- Ontario Federation of Agriculture
- Orford Co-operative Ltd.
- Simcoe District Co-operative Services
- Sunderland Co-operative Inc.
- Warkworth Co-operative Services, and
- Waterloo-Oxford Co-operative Inc.

On May 31, 2006, applications for party status were filed by Thomas Perks a member of the Plan, and Jon Lazarus a former member of the Plan.

A pre-hearing conference is scheduled for October 30, 2006.

CAW-Canada and its Locals 112 and 673; Spar Aerospace Limited Pension Plan for Employees Represented by CAW Local 112, Registration Number 0549501, and Spar Aerospace Limited Pension Plan for Employees Represented by CAW Local 673, Registration Number 0549519; FST File Number P0276-2006;

On May 19, 2006, CAW-Canada and its Locals 112 and 673, (the "Applicant") filed a Notice of Appeal in respect of the position of the Superintendent of Financial Services (the "Superintendent"), evidenced by a letter dated April 26, 2006 from a pension officer in the Pension Plans Branch of the Financial Services Commission of Ontario to CAW-Canada, that the members of the Pension Plan for Employees Represented by CAW Local 112, Registration Number 0549501, and of the Pension Plan for Employees Represented by CAW Local 673, Registration Number 0549519 (the "Plans") are subject to the requirements of the Pension Benefits Standards Act (Canada) and, therefore, that s.69 of the Pension Benefits Act would not apply to the members affected by the downsizing of employment at Spar Aerospace Limited affecting members of the Plans.

The Applicant has asked the Superintendent to order the partial wind up of the Plans, which are collectively bargained by the Applicant, on the basis of that downsizing and now requests, through the Notice of Appeal, that the Tribunal order the Superintendent to direct such partial wind up.

A pre-hearing conference is scheduled for October 11, 2006.

The following cases are adjourned sine die

- **The Retirement Plan for Salaried Employees (Consumer Foods) of General Mills Canada, Inc., Registration Number 342042; FST File Number P0058-1999;**
  A pre-hearing conference scheduled for December 8, 2004 was adjourned sine die at the request of the parties

on October 27, 2004, due to settlement discussions.

- **Crown Cork & Seal Canada Inc., Registration Numbers 474205, 595371 & 338491; FST File Number P0165-2001;**
  At a settlement conference on October 30, 2001, the parties agreed to adjourn the matter sine die pending discussions between the parties.

- **Slater Stainless Corp. Pension Plan for Slater Stainless Corp. Members of the National Automobile Aerospace, Transportation and General Workers Union of Canada (CAW-Canada), Registration Number 561456; FST File Number P0220-2003;**
  The pre-hearing conference scheduled for June 16, 2003 did not proceed since an Order was issued on June 2, 2003 by the Ontario Superior Court of Justice in relation to Slater Stainless Corp., pursuant to the Companies' Creditors Arrangement Act, R.S.C. 1985, c. C-36. The Order includes a stay of all proceedings.

- **Slater Stainless Corp. Pension Plan for Slater Stainless Corp. Members of the United Steel Workers of America (Local 7777), Registration Number 561464; FST File Number P0221-2003;**
  The pre-hearing conference scheduled for June 16, 2003 did not proceed since an Order was issued on June 2, 2003 by the Ontario Superior Court of Justice in relation to Slater Stainless Corp., pursuant to the Companies' Creditors Arrangement Act, R.S.C. 1985, c. C-36. The Order includes a stay of all proceedings.

- **Jane Parker Bakery Limited Retirement Plan for Full-time Bargaining Employees, Registration Number 0400325; FST File Number P0224-2003;**
  On September 8, 2003, the parties advised they agreed to proceed with settlement discussions, and requested that the pre-hearing conference scheduled for September 10, 2003, be adjourned to a date to be determined if one becomes necessary.

- **Peter Stopyn, Douglas Llewellyn, United Association of Journeyman and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 67, Registration Number 381525; FST File Number P0239-2004;**
  The pre-hearing conference scheduled for November 23, 2004, was adjourned sine dine at the request of the Applicants.

- **Stel Salaried Pensioners Organization, Stelco Inc. and Participating Subsidiaries Retirement Plan for Salaried Employees, Registration Number 0338509; the Stelco Inc. Retirement Plan for Lake Erie Steel Company Salaried Employees, Registration Number 0698753; "the Salaried Pension Plans", FST File Number P0250-2005;**
  On January 31, 2005, members of the Stel Salaried Pensioners Organization filed a Notice of Appeal in respect of a letter from the Pension Plans Branch of the Financial Services Commission of Ontario, dated January 7, 2005. This matter stands adjourned sine die due

to a stay of proceedings against Stelco Inc. pursuant to proceedings under the Companies' Creditors Arrangement Act, R.S.C. 1985, c. C-36.

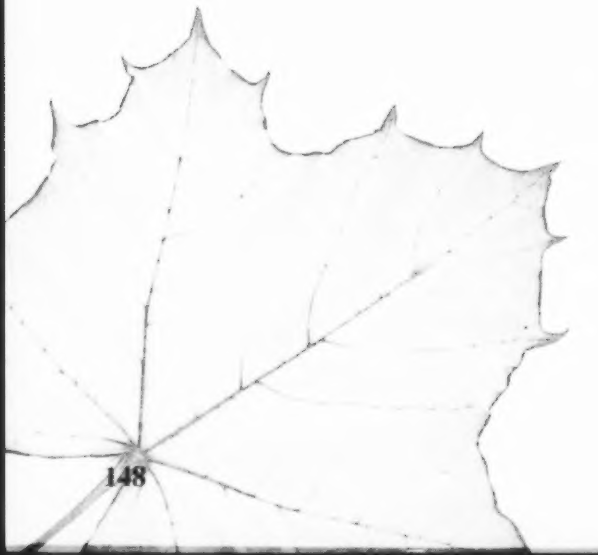
FINANCIAL HARDSHIP

Application to the Superintendent of Financial Services for Consent to Withdraw Money from a Locked-in Retirement Account, Life Income Fund or Locked-in Retirement Income Fund based on Financial Hardship.

FST File Number	Superintendent of Financial Services' Notice of Proposal	Comments
		No Decisions to Report

Decisions to be Published

Schering-Plough Healthcare Products Canada Inc.
Donna Capaldi; Retirement Income Plan for Union Employees of Dominion Stores Limited



FST File No. P0253-2005
Decision No. P0253-2005-2

FINANCIAL SERVICES TRIBUNAL

IN THE MATTER OF the *Pension Benefits Act*, R.S.O. 1990, c. P. 8 (the *"Act"*), as amended by the Financial Services Commission of Ontario Act, 1997, S. O. 1997, c. 28;

IN THE MATTER OF a request made by Donna Capaldi, beneficiary of Tony (Antonio) Capaldi to the Superintendent of Financial Services for an order compelling the payment of certain benefits from the **Retirement Income Plan for Union Employees of Dominion Stores Limited (1979), Registration Number 0005188 (the "Plan");**

AND IN THE MATTER OF a hearing in accordance with subsection 89(8) of the *Act;*

BETWEEN

DONNA CAPALDI, BENEFICIARY OF TONY (ANTONIO) CAPALDI

Applicant
-and-

SUPERINTENDENT OF FINANCIAL SERVICES and DOMGROUP LTD.

Respondents

BEFORE:

Ms. Florence A. Holden
Member of the Tribunal and Chair of the Panel

Ms. Elizabeth Shilton
Member of the Tribunal and of the Panel

Mr. David Short
Member of the Tribunal and of the Panel

APPEARANCES:

For the Applicant:
Ms. Patti Huck and Mrs. Donna Capaldi

For the Superintendent:
Ms. Deborah McPhail and Ms. Zeenath Zeath

For the Respondent Domgroup Ltd.:
Ms. Marianne Desaulniers

HEARING DATE:

February 6, 2006

REASONS FOR DECISION

PRELIMINARY MATTERS:

Ms. Desaulniers was asked that she confirm that she was in attendance at this hearing as a proper representative of Domgroup Ltd. and she did so confirm.

The Chair of the Panel reiterated her reasons for an interim order issued on January 9, 2006, that denied a request by the Respondent, Domgroup Ltd., to add Industrial Alliance Insurance and Financial Services Inc. ("Industrial Alliance") as a party to these proceedings.

The reasons were issued on January 9, 2006 by the Chair of the Panel as follows:

- The parties agreed at the pre-hearing conference of October 3, 2005 that they were the correct parties and the Chair believed this to be so.

- Industrial Alliance had not requested party status.
- The Respondent Domgroup Ltd.'s grounds for the motion were that Industrial Alliance was an agent for Domgroup Ltd., the plan administrator, acting as a trustee for the Plan and made a payment consistent with the deceased Plan member's instructions (Mr. Tony Capaldi). While the relationship may be one of agency, there was no evidence in the submissions made to suggest that Industrial Alliance acted independently. Lack of payment would not relieve Domgroup Ltd. of its obligations.
- While useful for the Panel to hear evidence of any party as to such payment, it is not necessary to add Industrial Alliance as a party to secure such evidence. Any party may call Industrial Alliance as a witness in that regard. The Tribunal is prepared, if requested, to consider an application by any party for Summons to Witness in Form 3 (a) of any person to give testimony or to produce documents at the hearing, by submission of such request to the Registrar under Rule 36.01 of the Rules of Practice and Procedure for Proceedings before the Tribunal (the "Rules").
- Applications for party status under Rule 38 of the Rules are normally brought by the person who wishes to be added as a party. This is not the case in this matter. The Rules do not provide any procedures for a party to apply to have another person added as a party.
- While it may be possible on a broad reading of Section 2.01 of the Rules that in some limited circumstances the Tribunal may have the power to make such an order, the Chair did not feel it necessary to determine that question of jurisdiction further. Following the reasons in the decision of the Tribunal in the matter of CBS Canada Co. v. Superintendent of Financial Services and National, Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW – Canada) and its local 504, FST Decision No. P0164-2001-1, wherein a similar issue was raised, it is not necessary to add Industrial Alliance as a party, since it is reasonable to assume that information it has in its hands may be easily available to the parties, and the Respondent, Domgoup Ltd., has not suggested otherwise.

FACTS

On the basis of the evidence before us, the Panel finds the following facts:

1. Mr. Tony (Antonio) Capaldi was a former member of the Retirement Income Plan for Union Employees of Dominion Stores Limited (1979) (the "Plan"). Mrs. Donna Capaldi, the Applicant, is the surviving spouse and beneficiary of Mr. Capaldi.

2. Domgroup Ltd. (formerly Dominion Stores Limited) was the administrator of the Plan for purposes of the *Act*. Domgroup Ltd. was accorded party status on consent of all parties at a pre-hearing conference on October 3, 2005.

3. In October of 1989, the Plan administrator wrote to Mr. Capaldi requesting him to make an election with respect to his pension entitlement. The Plan was wholly wound-up. The letter confirmed that the

locked-in portion of Mr. Capaldi's pension entitlement was valued at $4,236.40 and the non-locked-in portion was valued at $1,412.13.

4. Mr. Capaldi partially completed an election form, locking-in agreement and TD2 form, each signed November 8, 1989. The parties are agreed that Mr. Capaldi's intention was to transfer both the locked-in and non-locked-in portions of his pension entitlement, if possible, to his person Registered Retirement Savings Plan with National Trust (now Scotiabank).

5. The Applicant contends that the locked-in portion of Mr. Capaldi's pension entitlement was not transferred by the Plan administrator into his RRSP account at National Trust.

6. An erroneous letter was sent by Domgroup Ltd. to Mr. Capaldi, dated December 17, 2002, which suggests that his pension would commence in June 2003 at age 65. We accept Ms. Desaulniers' testimony that the letter was sent in error and that no pension was to commence at age 65, but also note no evidence of any correction sent to Mr. Capaldi was submitted. The Applicant's claim did indicate that payment of a periodic pension would be an acceptable form of relief.

7. The Applicant has produced the following additional documentation to substantiate her claim that the locked-in portion of the pension entitlement was not transferred to Mr. Capaldi's RRSP:
   a. a letter from Scotiabank dated August 20, 2003, stating that it appeared that National Trust did not receive a pension transfer in the amount of $4,236.40 in 1989 for Mr. Capaldi;
   b. a letter from Scotiabank dated November 29, 2004, confirming that Mr. Capaldi transferred his RRSP to Assante Financial in November of 1999 and the amount was $1,412.31.

8. Domgroup's records, as provided by Industrial Alliance, indicate that the non-locked-in portion and the locked-in portion of Mr. Capaldi's pension entitlement, in the amount of $5,979.38, were transferred via a cheque numbered 4691080 dated November 30, 1989. Domgroup's records, as provided by Industrial Alliance, also show this cheque was cashed on December 13, 1989.

9. Due to the passage of time, no one has been able to produce a cancelled cheque.

10. Domgroup has produced the following documentation to substantiate its claim that the locked-in portion of Mr. Capaldi's pension entitlement was transferred to his RRSP:
    a. a faxed transmission from Industrial Alliance confirming that cheque number 4691080 dated November 30, 1989 in the amount of $5,979.38 was cashed on December 13, 1989; the fax also confirms that the practice is to issue only one cheque when both locked-in and non-locked-in amounts are transferred to the same institution;
    b. a list of payments from Industrial Alliance showing a cash entitlement

of $5,648.43 as of May 3, 1989, and an amount paid of $5,979.38 on the same line as the number "91" and the name "Capaldi, T.";

c. a handwritten list from Industrial Alliance showing transaction number 91, Tony Capaldi, November 30, 1989, number 4691080, $5,979.38;

d. a list of cheques issued by Industrial Alliance showing payment of $5,979.38 on December 13, 1989, transaction number 4691080;

e. a letter dated February 9, 2005 from Industrial Alliance.

11. In addition to these agreed facts, Mrs. Capaldi gave oral evidence. She testified that she personally reviewed all the documentation that came from Scotiabank in connection with her husband's RRSPs. She also testified that Scotiabank refused to allow the Capaldis to remove any of the money transferred, taking the position that it was all locked-in. She indicated that the only statements she ever saw were related to a small RRSP (presumably the one ultimately transferred to Assante in 1999) and that the Capaldi's did not raise any questions about what had happened to the larger amount because they assumed that the rest of the money was still in the pension plan. They began to make inquiries only after Mr. Capaldi received the December 17, 2002 letter from Domgroup inviting him to apply for his pension. Mrs. Capaldi indicated that they were subsequently advised that he would not be getting a pension because all his money had been transferred out of the pension plan in 1989. The Capaldi's then became concerned that not all the money to which he was entitled had in fact been transferred, and commenced this case.

12. A Notice of Proposal was issued by the Superintendent of Financial Services (the "Superintendent") on May 10, 2005, refusing to order the Plan administrator to pay any additional amounts.

13. Domgroup did, however, offer in evidence some additional documentation received the week before the hearing from Industrial Alliance, which was described by Domgroup as simply confirmation of evidence already agreed to, not new evidence. The Superintendent supported the admission of the new documents. While Mrs. Capaldi had not seen these documents prior to the hearing and did not consent to their admission, she declined the panel's invitation to seek an adjournment to review the documents and call additional evidence. We agreed to receive the additional documents, but in the result have not relied on them.

THE ISSUES IN THIS PROCEEDING:

At the pre-hearing conference of October 3, 2005, the Parties agreed to frame the issues as follows:

(a) Has the Applicant established that part of her pension entitlement as a surviving spouse was not transferred from the Plan to the former member's (Mr. Capaldi's) RRSP pursuant to subsection 42(5) of the *Act*?

(b) If the answer to issue (a) is yes, what amount is owing to the Applicant?

(c) If the answer to issue (a) is yes, what is the appropriate remedy?

We will now deal with each issue separately and in the order described above.

(a) Has the Applicant established that part of her pension entitlement as a surviving spouse was not transferred from the Plan to the former member's (Mr. Capaldi's) RRSP pursuant to subsection 42 (5) of the *Act*?

For clarity, the panel will restate the issue: the Applicant is required to establish whether Mr. Capaldi's full pension entitlement was paid from the Plan to his RRSP as per his election. We are satisfied that the Applicant, Mrs. Donna Capaldi, is the proper surviving spouse and beneficiary of any remaining pension entitlement.

We accept the Respondent, Domgroup Ltd.'s evidence, provided by its funding agent, Industrial Alliance, included in the Agreed Book of Documents, that there was a transfer of funds by Industrial Alliance, as the funding agent of the Plan administrator, to Mr. Capaldi's RRSP in November 1989. The Applicant does not dispute that there was a transfer of funds. The only item in dispute is the amount of transfer. The best evidence before us as to amount are those documents provided by the Plan's funding agent, Industrial Alliance, whose cheque records indicate a payment was made by cheque numbered 4691080, dated November 30, 1989 in the amount of $5,979.38 and cashed on December 13, 1989. There is no evidence before the panel as to how that amount was subsequently allocated to Mr. Capaldi's RRSP by National Trust. It is possible that Mr. Capaldi had more than one RRSP or that an error was made in the allocation of the transferred monies. Neither Industrial Alliance nor Scotiabank were called as witnesses to provide insight as to the payment and allocation of funds, despite offers by the panel to permit an adjournment for such purpose.

Mrs. Capaldi's own evidence indicated that the TD2 transfer form submitted at the hearing by Domgroup, which had not formed part of the Agreed Book of Documents, was a document that she had not seen previously and she did not believe that the "Details of Transfer" information indicating the full transfer amount of $5648.53 was completed by Mr. Capaldi. She did not, however, dispute the information appearing on the form. Mrs. Capaldi refused the panel's offer of an adjournment to satisfy herself as to the authenticity of the documents. As noted above, the panel in rendering this decision has decided to give no weight to the documents.

We do not find the letters from Scotiabank, dated August 20, 2003 and November 29, 2004 of any assistance in dealing with the issue in this case. The August 20, 2003 letter simply indicates that Scotiabank did not receive a transfer in the amount of $4,236.40. In the documents provided by the Respondent from Industrial Alliance, Industrial Alliance indicated that it was their practice to issue one cheque for both locked-in and non-locked in pension entitlements, which would have been in the amount of $5,648.53 with interest to date of transfer. The Applicant's own testimony was that no enquiries were made by her of Scotiabank after 2002 and she provided no other documentation, and in particular no related tax records.

The November 29, 2004 Scotiabank letter addressed to the Mr. Dillon De Coteau of the Financial Services Commission of Ontario, Pension Plan Branch, refers to a subsequent transfer from Mr. Capaldi's RRSP to Assante Financial in November 1999, but that letter fails to reference the RRSP account number and the dollar amount referred to in the transfer does not match the other Scotiabank records submitted with respect to the transfer. As well we find it curious that the dollar amount transferred ten years later would have no accrued earnings to increase the amount indicated. In any event that subsequent transfer is immaterial to the issue at hand and we give that document no weight.

No party called witnesses from either Industrial Alliance or Scotiabank. No other documentary evidence as to the amount transferred other than documents in the Agreed Book of Documents were tendered to the panel. The Applicant did not dispute that the transfer forms signed by Mr. Capaldi were intended to transfer his full entitlement under Section 42 of the Act to his personal RRSP, and she did understand that all or a portion of those monies would be locked-in. The panel has found that the transfer cheque in the amount of $5,979.38 was paid and cashed. The Applicant offered no evidence to contradict or challenge that evidence. The panel accepts Ms. Desaulniers' testimony that Domgroup Ltd. did not have any other files in its possession. Based on the evidence before us, the 17-year lapse since events began, and with no additional evidence available, we find that the answer to question (a) is No.

As a result of this finding the panel does not find it necessary to answer questions (b) or (c). We recognize that our finding leaves no remedy for the Applicant under the *Act*. She may have other remedies in civil court, and in view of our finding that the full sum of $5,979.38 was sent by Industrial Alliance to Scotiabank for deposit in Mr. Capaldi's RRSP and received by Scotiabank, she may wish to take this up with the bank ombudsman.

The panel hereby orders that the Applicant's request be dismissed and the Superintendent's Notice of Proposal be affirmed.

COSTS

As no party made a request as to costs, the panel makes no order as to costs.

Dated at Toronto this 13th day of March, 2006.

Florence A. Holden
Chair of the Panel and Member of the Tribunal

Elizabeth Shilton
Member of the Panel and Member of the Tribunal

David Short
Member of the Panel and Member of the Tribunal

FST File No. P0085-1999
Decision No. P0085-1999-1

FINANCIAL SERVICES TRIBUNAL
IN THE MATTER OF *the Pension Benefits Act*, R.S.O. 1990, c. P.8, as amended by the *Financial Services Commission of Ontario Act, 1997*, S.O. 1997, c.28 ("the Act")

AND IN THE MATTER OF a proposal by the Superintendent of Financial Services to make an Order under Subsections 70(5), 87(2)(c) and 88(2)(c) of the Act respecting the Schering-Plough Healthcare Products Canada Inc. Salaried Employees' Pension Plan, Registration No. 0297903;

AND IN THE MATTER OF a hearing in Accordance with subsection 89(8) of the Act

BETWEEN:

SCHERING CANADA INC.

Applicant
-and-

SUPERINTENDENT OF FINANCIAL SERVICES and ESTATE OF KEN REYNOLDS, MICHEL GARIEPY, EDWARD TAYLOR, and JIM WILSON
Respondents
BEFORE:

Lily Harmer
Member of the Tribunal and Chair of the Panel

Shiraz Bharmal
Member of the Tribunal and of the Panel

David A. Short
Member of the Tribunal and of the Panel

APPEARANCES:

For the Applicant:
Paul Dimitriadis and Kathy Bush

For the Superintendent of Financial Services:
Deborah McPhail

For the Estate of Ken Reynolds, Michel Gariepy, Edward Taylor and Jim Wilson:
Christine Tabbert

Hearing Date:

January 9, 2006

REASONS FOR DECISION

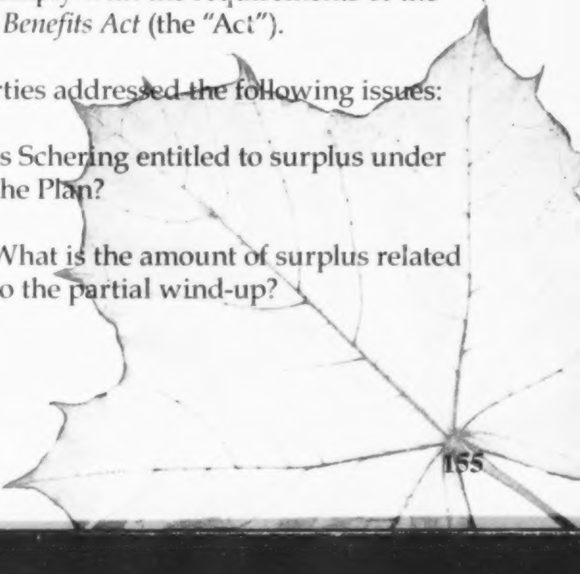
NATURE OF THE APPLICATION

Schering Canada Inc. ("Schering") seeks an Order preventing the Superintendent from proceeding with a Notice of Proposal to make an order requiring Schering to prepare and submit, within 60 days, a report amending that portion of the partial wind-up report dated February 19, 1997 (the "Partial Wind Up Report") on the partial wind-up of the Schering-Plough Healthcare Products Canada Inc. Salaried Employees' Pension Plan (the "Plan") dealing with the surplus attributable to members affected by the partial wind-up, to comply with the requirements of the *Pension Benefits Act* (the "Act").

The parties addressed the following issues:

1. Is Schering entitled to surplus under the Plan?

2. What is the amount of surplus related to the partial wind-up?



3. Does the Superintendent have the authority under the Act to refuse to approve the Partial Wind-Up Report on the basis of a lack of distribution of surplus to members on a partial wind-up, if the employer is entitled to surplus?

4. If Schering is entitled to surplus under the Plan, is section 8 of Regulation 909 under the Act *ultra vires* in the sense that it is beyond the regulation-making authority in the Act?

5. If section 8 of Regulation 909 is *ultra vires*, should the Superintendent be directed to approve Schering's Partial Wind-Up Report, as revised by Schering?

FACTS

The hearing proceeded on the basis of an Agreed Statement of Facts. The parties chose not to adduce any additional evidence at the hearing.

The Plan is a pension plan sponsored and administered by Schering that includes defined benefits. The Estate of Ken Reynolds, Michel Gariepy, Edward Taylor and Jim Wilson are members of the Plan who were affected by the partial wind-up of the Plan as at August 31, 1996 ("Plan Members"). The Superintendent of Financial Services (the "Superintendent") administers and enforces the *Financial Services Commission of Ontario Act*, and all other legislation that confers powers on or assigns duties to the Superintendent, including the *Pension Benefits Act*. The Superintendent also exercises the powers and duties conferred upon the Superintendent by the relevant legislation.

Plan History

The Plan was established by Scholl-Plough Canada Inc. effective July 1, 1988. It was known at that time as the Scholl-Plough Canada Inc. Salaried Employees' Pension Plan. The Plan was originally funded pursuant to three funding agreements. The first was Group Annuity Policy Gr. P.P. 11694 issued by Standard Life Assurance Company of Canada ("Policy 11694") in respect of pre-1987 benefits for former members of the Plough Canada Employees' Pension Plan (the "Plough Plan"). The second was a Tri-Plan Policy Gr. P.W. 73973 issued by Standard Life Assurance Company to fund the money purchase pension under the Plan. The third was a trust agreement with Montreal Trust Company of Canada, effective July 1, 1988, to fund all benefits accrued under the Plan after July 1, 1988. This trust agreement was replaced by a trust agreement with Royal Trust Corporation of Canada on August 18, 1999.

The Plan was amended several times to reflect company name changes and reorganizations.

Prior Plan History

With effect from January 1, 1987, Scholl (Canada) Inc. and Plough Canada Inc. merged and continued as Scholl-Plough Canada Inc. Prior to that merger each of the two companies had sponsored its own pension plan ("Scholl Plan" and "Plough Plan"). A salaried employee of the merged company Scholl-Plough Canada Inc. who had been a member of either of those prior plans and who was employed by Scholl-Plough Canada

Inc. on July 1, 1988 automatically became a member of the Plan.

The Plough Plan had been adopted as at January 1, 1982. It in turn was an amendment and restatement of the Retirement Income Plan for Employees of Schering Canada Inc. (the "Prior Plough Plan"), the provisions of which were set forth in Group Annuity Insurance Contract No. G.A. 471 issued by The National Life Assurance Company of Canada. The Prior Plough Plan dated back to 1955. No copy of Group Annuity Insurance Contract No. G.A. 471 is contained in the Plough Plan files of the Financial Services Commission of Ontario, or in Schering's files. In fact, no documents pertaining to the Prior Plough Plan were provided in evidence in this matter.

The Plough Plan adopted in January 1, 1982 was funded pursuant to a trust agreement between Plough Canada Inc. and the Guaranty Trust Company. That trust agreement was dated January 1, 1982. Assets under that 1982 Guaranty Trust agreement were transferred effective July 1, 1988 to the Montreal Trust Company of Canada, and held pursuant to the 1988 Montreal Trust agreement. The amount transferred on July 6, 1988 was $1,112,321.55. Of this, the amount attributable to salaried members was $773,210.00.

Prior to November 15, 1977, benefits under the Scholl Plan were fully insured under Group Policy Gr. P.W. 10660 issued by The Standard Life Assurance Company. The commencement date of Policy 10660 was July 1, 1960. There was no plan text for the Scholl Plan. Effective November 15, 1977, liabilities relating to benefits for salaried members of the Scholl Plan, except those relating to pension payments which commenced prior to November 15, 1977, were assumed by Scholl (Canada) Inc. under the terms of Policy 11694.

Benefits under the Scholl Plan continued to be fully insured under Policy 11694 until December 31, 1986. Policy 11694 became paid-up effective January 1, 1987. Benefits accruing thereafter under the Scholl Plan were funded pursuant to the 1988 Montreal Trust agreement. A deposit of $173,683.43 was made to Montreal Trust Company of Canada on August 2, 1988 and it covered benefits accrued between January 1, 1987 and June 30, 1988.

The Partial Wind up

The Plan was partially wound up as at August 31, 1996. Schering filed a partial wind up report dated February 19, 1997, stating that the surplus was $416,585.00. The report did not specifically clarify whether the surplus amount referred to the partial wind up or to the Plan as a whole. The solvency liabilities for the eleven members affected by the partial wind up were $339,198.00. The total solvency liabilities as of the date of the partial wind up were $999,796.00.

In a letter to Schering dated February 24, 1998, the Superintendent pursuant to her authority under subsection 70(3) of the *Pension Benefits Act*, R.S.O. 1990, c.P.8 (the "Act") authorized the distribution of assets to the members, former members and other persons affected by the partial wind up. In the same letter, the Superintendent advised Schering that the surplus attributable to members, former members and other persons affected by the partial wind up must be dealt with in accordance with the Act.

On July 29, 1998, the Plan Members wrote to the Superintendent. They took the position that surplus must be distributed on a partial wind up and requested that the Superintendent require Schering to file a supplement to the partial wind up report setting out Schering's proposals for the distribution of surplus.

On August 31, 1998, Schering wrote to the Superintendent in response stating that Schering had dealt with the surplus in accordance with the Act and that no distribution of surplus was required.

On September 15, 1998, Ms. Penny McIlraith, Pension Officer of the Financial Services Commission of Ontario ("FSCO"), wrote to Schering. She requested that an amendment to the partial wind up report be filed by November 20, 1998, making provision for the distribution of surplus.

On October 15, 1998, Schering responded to FSCO and indicated that it would not be preparing an amendment to the wind up report to provide for a distribution of surplus since it was of the view that no distribution of surplus was required.

On October 14, 1999, the Superintendent issued a Notice of Proposal to make an order, on the basis of subsections 70(5), 87(2)(c) and 88(2)(c) of the Act, that would require Schering to prepare and submit, within 60 days, a report amending that portion of the partial wind up report dealing with surplus attributable to members of the Plan affected by the partial wind up.

On November 10, 1999, Schering requested a hearing pursuant to subsection 89(6) of the Act in relation to the Superintendent's proposal to order Schering to amend the partial wind up report.

Plan Wind up

On July 15, 2004 the Plan's actuaries filed a wind up valuation and report as at May 30, 2003, indicating a wind up deficit of $199,595. The wind up deficit takes into consideration $211,667 of liabilities in respect of the portion of the surplus "tagged" for the partial wind up.

ANALYSIS

Surplus Entitlement

Schering argued that it was entitled to surplus under the Plan pursuant to section 12.04 of the 1988 Plan. Section 12.04 provides:

> If there are any assets remaining after the liabilities for all benefits accrued under the Plan have been met, they shall be returned to the Company subject to any Applicable Legislation.

While the 1988 Plan seems to make it clear that Schering is entitled to any surplus, the 1988 Plan was not the first pension plan to provide pension benefits to employees of Schering or its predecessors. It was preceded by at least 3 former pension plans – the Scholl Plan, the Plough Plan, and the Prior Plough Plan (the "Former Plans"). A member of any of the Former Plans employed by Scholl-Plough (later Schering) on July 1, 1988, automatically became a member of the 1988 Plan. A review of the 1988 Plan is thus not the end of the necessary inquiry.

An applicant seeking to establish entitlement to pension surplus must demonstrate either that the plan was not subject to a trust and the contractual terms did not confer surplus entitlement on the members or, if the plan is impressed with a trust, the applicant has been entitled to plan surplus from the inception of **the plan, or that it was authorized from inception to amend the plan to make the employer the beneficiary of the surplus. Thus, it is necessary to look to the complete plan and trust documents from the inception of the Plan to determine surplus entitlement, whether on a partial or full wind-up.**[1]

Schering based its argument for entitlement to the surplus on a reading of the Plan documents dating back to the inception of the Scholl Plan, and back to 1982 in connection with the Plough Plan. Nothing in those documents would appear to derogate from Schering's position that it is entitled to the surplus, nor was any such argument made by the Superintendent before us. That is not, however, the end of the inquiry.

The 1982 Plough Plan text stated in its introduction:

> As at July 1, 1955, Schering Canada Inc. adopted The Retirement Income Plan for Employees of Schering Canada Inc. (the "Predecessor Plan"). Effective May 1, 1971 eligible Plough Canada Inc. employees became covered for pension benefits under the Predecessor Plan.
>
> The Predecessor Plan was amended from time to time. The most recent substantive amendment became effective as at January 1, 1975.
>
> As at January 1, 1982 Plough Canada Inc. (the "Company") adopted the Plough Canada Inc. Employees' Pension Plan (the "Plan").
>
> The Plan is an amendment and restatement of the Predecessor Plan with respect to all Employees of the Company who were members of such plan and, as such, the Plan incorporates and preserves the entitlements and benefits accrued by such members prior to January 1, 1982 under the Predecessor Plan.

Unfortunately in this case, an examination of all of the relevant Plan documents is not possible as none of the documents pertaining to the Prior Plough Plan are currently available. Nor was any evidence adduced to speak to the nature of those documents, save for a reference to a group annuity insurance contract discussed below. There is thus uncertainty as to whether or not the Plough Plan, from its inception, was subject to a trust, or whether the employer was entitled to surplus, or whether the power to revoke any trust existed at that date. A plan amendment from 1975 is also missing, so that no information is available to assist us in understanding how the Prior Plough Plan might have changed at that time.

Schering argued that a review of the documents was not necessary because the 1982 Plough Plan referenced the fact that the provisions of the Prior Plough Plan were set forth in a group annuity insurance contract, and that trust law doesn't apply in that context. This Tribunal has addressed this issue before, in the Corporation of the City of Kitchener case[2], relying on the Ontario Court of Appeal *in Howitt v. Howden Group Canada*

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[1] *Schmidt v. Air Products of Canada Ltd.* (1994), 3 C.C.P.B. 1 (S.C.C.)

[2] *The Corporation of the City of Kitchener v. Superintendent of Financial Services*, FST File No. P0172-2001, June 24, 2004.

Ltd.[3], where the Court of Appeal specifically held that "[f]unding by way of a contract is not, however, necessarily inconsistent with the intention to create a pension trust". It depends in each case on an assessment of the language of the document(s) in issue. Without the documents, such an assessment cannot be made.

The missing documents are therefore critical to a determination of the issue of entitlement. Without them it is not possible to ascertain the original nature of the Plan.

Schering must demonstrate its entitlement to the surplus based on an examination of all plan and trust documents from the Plan's inception4, which, because of the uncertainty caused by the missing documents, it cannot do. Schering cannot satisfy the "high bar" enunciated in *Schmidt v Air Products Canada Limited*. In the circumstances, therefore, we cannot find that the employer was entitled to the surplus.

Amount of Surplus

We understood from the position of the parties at the hearing that the second issue concerning the amount of surplus attributable to the partial wind-up is no longer in issue, in that the Superintendent is prepared to accept Schering's methodology used to determine an interim amount for discussion purposes as at May 30, 2003. The actual amount can only be determined as at the date of distribution. This will require a "roll-forward" of the amount calculated by Schering as at May 30, 2003, to the date of distribution. The Superintendent requested that Schering provide a more up to date number to Plan Members, and we see no reason why this should not be done at this time. We make no further comments on this issue, but leave it to the parties to work out at the appropriate time.

Superintendent's Authority

The third issue concerns the authority of the Superintendent to refuse to approve a partial wind-up report where the employer is entitled to surplus, on the basis of the lack of distribution of surplus to members on partial wind-up. As this Tribunal has found that in this case Schering has not satisfactorily proven that it is entitled to the surplus, there is no need to address this issue.

As the Supreme Court of Canada has made clear in *Monsanto Canada Inc. v. Superintendent of Financial Services*[5], members of a pension plan affected by a partial wind-up are entitled to the same rights as they would have received on a full wind-up. This includes rights to surplus distribution. Acting on its assumption that it had full entitlement to the surplus, Schering advised the Superintendent that no distribution of surplus was required. In light of our finding that Schering has not established an entitlement to the surplus, Schering is required to effect a distribution of surplus in accordance with the Act and its regulations.

The Superintendent has a broad discretion under section 70(5) of the Act to refuse to approve a wind-up report that does not meet the requirements of the Act and the regulations or that does not protect the interests of the members. It has additional powers under section 87 of the Act to require Schering to take any action in respect of the Plan if the Superintendent is of the opinion on reasonable and probable grounds that the administrator of the Plan is contravening a requirement of the Act or regulations.

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[3] *Howitt v. Howden Group Canada Ltd.*, (1999) 170 D.L.R. (4th) 423 (Ont. C.A.)

[4] *Corporation of the City of Kitchener*, supra.

[5] *Monsanto Canada Inc. v. Superintendent of Financial Services* [2004] 3 S.C.R. 152.

In the circumstances of this case, where the employer has not established its entitlement to surplus, where no provision has been made to obtain the consent of the Plan Members to a distribution of the surplus, and where Schering has indicated that no surplus distribution is required, the Superintendent has the authority to refuse to approve the partial wind-up report.

Employee Consent

It is not necessary for this Tribunal to address the fourth or fifth issues concerning the validity of section 8 of Regulation 909 of the Act, given our finding with respect to surplus entitlement.

CONCLUSION

This case raises interesting and complex issues concerning surplus entitlement, the Superintendent's authority, and the validity of the consent requirements of Regulation 909. The primary, and underlying, issue was a determination of surplus entitlement. We find that the missing documents cause too much uncertainty about the underlying nature of the Plan, and whether or not it was impressed with trust at its inception. Schering thus could not establish with sufficient certainty that it had an entitlement to the surplus. In the circumstances, the remaining issues must be left to be determined on other facts another day.

The Superintendent may proceed with the Notice of Proposal dated October 14, 1999.

Dated at the City of Toronto this 12 th day of April, 2006.

Lily Harmer
Chair of the Panel and Member of the Tribunal

Shiraz Bharmal
Member of the Panel and of the Tribunal

David A. Short
Member of the Panel and of the Tribunal

Ontario